



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 CRIMINAL APPEAL NO. 720 OF 2024

Kishor Suryakant Karanjule

VERSUS

The State of Maharashtra and another

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Advocate for Appellant : Mr. Rahul R. Karpe

APP for Respondents: Mrs. M.L. Sangit

Advocate for Respondents : Ms. Vidya Urgunde (appointed)

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CORAM : SHIVKUMAR DIGE, J.

DATED : 23rd AUGUST, 2024.

PER COURT :-

1. This appeal is preferred against the order dated 01.08.2024 passed by the Additional Sessions Judge, Ahmednagar in Criminal Misc. Application No. 1017 of 2024 filed in pursuance of crime No.211 of 2024 registered with Supa police station, district Ahmednagar for the offences punishable under Section 324, 327, 323, 506 of I.P.C. and under Sections 3(1)(r), 3(2)(va) of Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act.

2. It is the prosecution's case that on 13.5.2024 around 12.00 to 1.00 noon, the appellant had beaten one Maroti Jadhav mercilessly. Hence, Maroti Jadhav had come to the informant and asked the informant to take him to Supa police station. At that time, the informant told him that he will charge Rs.800/- for it. Maroti Jadhav

consented for it. It is alleged that at that time, the appellant came there. The appellant snatched watch and mobile of the informant and abused him on his caste. At that time, the informant told him that Maroti Jadhav has paid fare to him and he has to go, then the appellant allegedly threatened the informant that he will expel the family of the informant and he will make false allegations of theft of ornaments and money and he will ask the police to take action against the informant. It is alleged that on the same day around 6.00 p.m. the appellant beaten the informant with iron pipe on his both the legs and other parts of the body. It is alleged that he took away the watch and gold ring from the right hand finger of the informant.

3. It is the contention of the learned counsel for the appellant that the appellant is behind bar for around one month. Investigation is completed. The appellant is falsely implicated in this case. The appellant is the Karta of the family. It may take time to conclude the trial. Hence, requested to allow the appeal.

4. It is the contention of the learned APP alongwith learned counsel for respondent No.2 that the appellant abused the informant on his caste in public place. He assaulted the informant with iron pipe. The injury certificate of the informant shows that he had suffered grievous injury, which support the contentions of the

informant. The investigation is in progress. If the appellant is released on bail, he may pressurize the prosecution witnesses and the informant. Hence, requested to dismiss the appeal.

5. I have heard all the learned counsel. Perused the F.I.R., the police papers produced on record and the impugned order passed by the Sessions Judge. The allegations against the appellant are that he abused the informant on his caste and thereafter he assaulted him with iron pipe. It appears from the F.I.R. that the first incident was happened in between 12.00 to 1.00 noon and in that incident the appellant had abused the informant on his caste and he has snatched his mobile. But the informant did not report about the said incident to the police. The second incident is occurred at 6.00 p.m. In the said incident, the allegations are made that the appellant assaulted the informant with iron pipe but in the said incident, there are no allegations about the abuse on caste. The appellant is behind bar for around month. The investigation is completed. Considering these facts, I pass the following order:-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 01.08.2024 passed by the Additional Sessions Judge, Ahmednagar in Criminal Misc. Application No. 1017 of 2024 is

quashed and set aside.

(ii) The appellant in connection with crime No.211 of 2024 registered with Supa police station, district Ahmednagar for the offences punishable under Section 324, 327, 323, 506 of I.P.C. and under Sections 3(1)(r), 3(2)(va) of Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act, be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following conditions:-

(a) The appellant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

(b) The appellant shall not enter in the village where the informant stays, till filing of the charge sheet.

6. Since Ms. Vidya Urgunde, learned counsel is appointed to represent respondent No.2, her legal fees and expenses are quantified at Rs.10,000/- to be paid by the High Court Legal Services Sub Committee, Aurangabad.

(SHIVKUMAR DIGE, J.)

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