



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CRIMINAL APPEAL NO. 747 OF 2024

Papu Pardeshi @ Sandeep Ramesh Pardeshi

VERSUS

The State of Maharashtra and another

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Advocate for Appellant : Mr. A.S. Bayas

APP for Respondent No.1: Mr. P.K.Lakhotiya

Advocate for Respondent No.2 : Mr. K.N. Shermale

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CORAM : SHIVKUMAR DIGE, J.
DATED : 26th SEPTEMBER, 2024.

PER COURT :-

1. Learned counsel for respondent No.2 Mr. K.N. Shermale, filed V.P. alongwith affidavit of respondent No.2, which is taken on record.

2. This appeal is preferred against the order dated 14th June, 2024 passed by the Additional Sessions Judge, Newasa in Criminal Bail Application No.166 of 2024 filed in pursuance of FIR No.504 of 2024 registered with Newasa Police Station, for the offences punishable under sections 307, 324, 323, 504, 506, 337, 143, 147, 148 and 149 of the Indian Penal Code (For short, "I.P.C.") and sections 3(1)(r), 3(1)(s), 3(2) and 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and seeking anticipatory bail.

3. It is contention of learned counsel for the appellant has been falsely implicated in this case. The learned counsel further submitted that there are general allegations made against the appellant in the F.I.R. that he along with co-accused abused the informant and pelted stones on the informant and witnesses gathered there, thereby injured them. The learned counsel further submitted that the matter is settled at village level by Tanta Mukti Samiti and first informant has no objection to grant bail to the appellant, hence requested to allow the appeal.

4. It is contention of learned APP that the appellant along with co-accused assaulted the first informant and witnesses. Due to pelting of stones by the appellant witnesses are injured. Injury certificate produced on record shows that they have injured due to assault by the appellant. The learned APP further submitted that the appellant abused the first informant on his caste. Considering the allegations against the appellant, the custodial interrogation of the appellant is required hence requested to reject the appeal.

5. It is contention of learned counsel for respondent no.2 that the matter is settled before the Tanta Mukti Samiti of village. Informant has no objection if bail is granted to the appellant.

6. I have heard all the learned counsel. Perused the impugned order passed by the trial Court, F.I.R. and police papers produced on record.

7. Allegations against the appellant are that he along with co-accused pelted stones on the informant and witnesses gathered there, thereby caused injuries to them. It is not mentioned in the F.I.R. that the appellant had abused the first informant on his caste. The injury certificates of the witnesses show that they have suffered simple injuries. The matter is settled before the Tanta Mukti Samiti. First informant has no objection for granting bail to the appellant. Considering all these aspects, the custodial interrogation of the appellant is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 14th June, 2024 passed by the Additional Sessions Judge, Newasa in Criminal Bail Application No.166 of 2024 is quashed and set aside.
- (iii) The interim anticipatory bail granted to the appellant vide order dated 21.08.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)