



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 715 OF 2023

Pravin S/o Pralhad Ghuge

... Appellant

VERSUS

The State Of Maharashtra
And Another

... Respondent

.....
Mr. S.G. Dodya, Advocate for Appellant
Mr. S.P. Sonpawale, APP for Respondent No.1 – State
Ms. Namita Sirdeshpande, Advocate Respondent No.2
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd APRIL, 2024

ORDER :

1. By this appeal filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellant challenges order dated 04.08.2023, passed by learned Additional Sessions Judge-1, Hingoli, in Misc. Bail Application No.417/2023, thereby rejecting anticipatory bail application filed by appellant.

2. Raju Madhav Landge lodged FIR alleging that on 16.07.2023 at about 3.00 p.m., when he was present at his house, at that time, accused and one unknown person came in front of his house. Accused Bahadur Narayan Ghuge made an enquiry with him by asking that as to why his mother has abused his wife. They started abusing informant in the name

of his caste. They assaulted informant, his mother and father. They slapped him. Accused Pravin Pralhad Ghuge (appellant) assaulted him by stick. Since anticipatory bail application filed by appellant is rejected by the trial Court, appellant has filed the present appeal.

3. Heard learned advocate for appellant, learned APP for respondent No.1 – State and learned advocate for respondent No.2 – informant. Perused the investigation papers.

4. Perusal of FIR indicates that there are no allegations against appellant that he has abused informant in the name of his caste. The allegation against appellant is that he has assaulted informant with stick on back chest and left shoulder. Injury certificate indicates that injuries suffered by informant are simple in nature. Stick allegedly used by appellant in commission of offence is already recovered. Main accused person namely, Bahadur Ghuge, who has abused informant in the name of his caste is arrested and released on bail so also accused Chotu Bahadur Ghuge, who has assaulted informant's mother and father with fist and kick blows, is released on bail.

5. Appellant is a Doctor. Crime is registered on 17.07.2023 and investigation appears to be almost complete. Nothing is to be recovered from appellant. Therefore, his

pre-trial custodial detention is not necessary. Hence, the following order.

ORDER

- (I) Appeal is allowed.
- (II) Impugned order order dated 04.08.2023, passed by learned Additional Sessions Judge-1, Hingoli, in Criminal Misc. Bail Application No. 417/2023, is hereby quashed and set aside to the extent of appellant.
- (III) Interim protection granted to appellant by order dated 18.08.2023 is hereby confirmed.
- (IV) Till filing of charge-sheet, appellant shall attend the concerned police station as and when called by the Investigating Officer. Appellant shall not tamper prosecution evidence.

**[NITIN B. SURYAWANSHI]
JUDGE**