



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CRIMINAL APPEAL NO. 777 OF 2024

Deepak S/o Appasaheb Baglane

VERSUS

The State of Maharashtra and another

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Advocate for Appellant : Mr. Santoch C. Bhosle

APP for Respondent Mo.1: Mr. S.B. Narwade

Advocate for Respondent No.2 : Mr. Adesh Ban

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CORAM : SHIVKUMAR DIGE, J.
DATED : 24th SEPTEMBER, 2024.

PER COURT :-

1. This appeal is preferred against the order dated 08.08.2024 passed by the Additional Sessions Judge-2, Beed in Criminal Bail Application No. 787 of 2024, filed in pursuance of crime No.234 of 2024 registered with Beed Rural police station, district Beed, for the offences punishable under Sections 352, 126(2), 118(1), 115(2) r.w.3(5) of Bhartiya Nyay Sanhita, 2023 and under Sections 3(1)(r) and 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and is seeking anticipatory bail in the said crime.

2. It is prosecution's case that on 19.7.2024, the informant Piraji Shahadev Barde lodged a report alleging that on 15.7.2024 at about 7.30 p.m. he and his brother Eknath were going on motorcycle

towards their village. At that time, accused No.1 obstructed them and abused the him on his caste and assaulted him by slaps, fist and leg blows. Thereafter, accused No.1 called the applicant at incident spot, he went there with wooden log and they both assaulted the informant and his brother by means of wooden log and knife. Accordingly, the informant lodged the report.

3. It is contention of the learned counsel for the appellant that the appellant has been falsely implicated in this case. The main allegations are against accused No.1. The allegations against the appellant are that accused No.1 Mahadeo called him and at his instance the appellant came there with wooden log and he assaulted the informant with said wooden log. The allegations against the appellant are not that he abused the informant on his caste. Considering the allegations against the appellant, his custodial interrogation is not required and requested to allow the appeal.

4. It is contention of learned APP alongwith learned counsel for respondent No.2 that accused No.1 abused the informant on his caste and assaulted the informant and his brother. Accused No.1 called the appellant at the spot of incident. The appellant went there with wooden log and assaulted the informant and his brother with wooden log and abused them, it shows involvement of the appellant in the crime. Considering the allegations against the appellant, his

custodial interrogation is required and requested to dismiss the appeal.

5. I have heard all the learned counsel. Perused the F.I.R., the police papers and the impugned order passed by the Sessions court. The allegations against the appellant are that accused No.1 called him at the spot of incident and he went there with wooden log and there he assaulted the informant with wooden log. The injury certificate of the informant does not show that he has suffered any grievous injury. He had suffered simple injuries. There are no allegations that the appellant abused the informant on his caste. Considering these facts, the custodial interrogation of the appellant is not required and I pass following order:-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 08.08.2024 passed by the Additional Sessions Judge-2, Beed in Criminal Bail Application No. 787 of 2024 is quashed and set aside.
- (iii) The interim anticipatory bail granted to the appellant vide order

dated 26.08.2024 stands confirmed on the same term and conditions.

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

7. It is made clear that the observations made in this order are prima facie in nature only for the purpose of deciding this appeal for bail and the trial court shall not get influenced by the same while deciding the trial.

(SHIVKUMAR DIGE, J.)

rlj/