



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 745 OF 2023

1. Nandabai W/o Ashok Lahane
2. Vaishnavi W/o Someshwar Lahane
3. Gangubai W/o Rameshwar Lahane ... Appellants

VERSUS

The State Of Maharashtra
and anotherRespondents

.....
Mr. Vikas S. Pawar, Advocate for the Appellants
Mr. S.B. Jadhav, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th JANUARY, 2024

ORDER :

1. Appellants apprehend arrest in connection with Crime No. 285 of 2023 registered with Gondi Police Station, District Jalna for offences punishable under sections 143, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

2. FIR is lodged by informant Maya Babar alleging that appellants along with co-accused Ashok Lahane, Rameshwar Lahane and Someshwar Lahane abused informant and

assaulted her. Ashok Lahane assaulted informant with stick. Rameshwar and Someshwar caught hold of her hands and other accused assaulted her with fist blows and slaps. Ashok Lahane used derogatory remarks in the name of her caste. Appellants' anticipatory bail is rejected by the Sessions Court. Hence, the present appeal.

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

4. Accused Rameshwar, Someshwar and Ashok Lahane were arrested and they were released on regular bail. Accused Ashok Lahane lodged FIR at Crime No.286 of 2023 with Gondi Police Station, District Jalna against informant, her sister and others in respect of the same incident.

5. On going through the allegations made against the present appellants, *prima facie*, it is clear that abusing in the name of caste is not attributed to the appellants. The allegations against appellants are that, they have assaulted informant with slaps and fists. Injury certificate *prima facie* does not support the allegations.

6. Appellants were granted interim protection vide order dated 24.08.2023, and they have co-operated in the investigation. Nothing is to be recovered from appellants. In that view of the matter, custodial detention of appellants, in the facts of the present case, is not necessary.

7. The appeal is therefore allowed by confirming interim protection granted to the appellants by order dated 24.08.2023.

8. Till filing of the charge-sheet, appellants shall attend the concerned police station as and when called by the Investigating Officer, and co-operate in the investigation. Appellants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane