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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

31 CRIMINAL APPEAL NO. 849 OF 2024

1. Venkatesh Prabhakar Maskale
 2. Pritam Nilkanth Pawar
- ...Applicants

VERSUS

The State of Maharashtra
and another

...Respondents

....

Mr A. L. Kanade, Advocate for Appellants
Mr C. V. Badane, A.P.P. for Respondent/State
Ms Pooja Kishor Apache, Advocate (appointed) for Respondent
No.2

CORAM : R. M. JOSHI, J.

DATE : 7th October, 2024

PER COURT :-

1. This appeal is preferred against the order passed by the Additional Sessions Judge-1, Kandhar, Dist Nanded, in Misc Criminal Bail Application No.73 of 2024, filed in pursuance of the F.I.R. No.0146 of 2024, registered with Police Station, Kandhar, Dist Nanded, for the offences punishable under sections 324, 147, 143 and 149 of the Indian Penal Code (For short, "IPC") and sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

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2. It is the case of the informant that, on 29/04/2024, on the occasion of Dr. Babasaheb Ambedkar Birth Anniversary, a procession was taken out at village Rui. It is alleged that, in spite of knowing the fact that all the members in the procession are of Scheduled Castes, accused persons pelted bricks and stones on the said procession. It is also alleged that there was insult to the informant and other persons over the caste.

3. Learned counsel for the appellants submits that co-accused, against whom similar role has been alleged, has been granted bail in Criminal Appeal No.676/2024. It is his submission that, by applying parity, this appeal deserves to be allowed.

4. Learned APP and learned counsel for informant opposes this appeal. According to the learned counsel for informant there is bar of Section 18 of Atrocities Act.

5. Perusal of first information report, as well as statements of the witnesses indicate that, there is an allegation against all the accused that they, in one voice, abused informant and other persons over caste. As observed by the Co-ordinate

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Bench of this Court, there are no specific allegations against accused in respect of offence under the Atrocities Act. We find no reason or justification not to allow this appeal on parity. Hence, this appeal stands allowed. Hence, following order :-

ORDER

(i) In the event of arrest of appellants in connection with Crime No.0146/2024 registered with Kandhar Police Station, Dist. Nanded, for the offences punishable under Sections 324, 147, 143 and 149 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, they be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) each with one surety in the like amount.

(ii) They shall attend the concerned police station as and when required.

(iii) They shall not contact the witnesses directly or indirectly.

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(iv) They shall not interfere with the evidence in any manner whatsoever.

(v) They are further directed to cooperate the investigating agency for further investigation.

(vi) Learned APP to communicate this order to the concerned Investigating Officer.

(vii) Fees of the appointed counsel is quantified at Rs.10,000/-.

(R. M. JOSHI)
Judge

sjk