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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.1071 OF 2023

Siddharth Khandu Shejule

APPELLANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....

Mr. G. D. Kale h/f Mr. A. V. Patil, Advocate for appellant

Mr. S. D. Ghayal, APP for respondent - State

Mr. A. E. Madne, Advocate for respondent No.2 (appointed)

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 25th JANUARY, 2024

ORDER :

1. Appellant apprehends arrest in Crime No.587 of 2023 registered with Akhada Balapur Police Station, Taluka-Kalamnuri, District - Hingoli for offence punishable under section 326, 323, 504, 506 read with 34 of the Indian Penal Code and under section 3 (1) (r) (s), 3 (1) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Bhagwan Deorao Lokare lodged FIR stating that on 10th September, 2023 at about 8.00 p.m. his son Rajratan along with his friends Akshay Panpatte and appellant went to Balapur. On the same day, at about 12.00 hours in the night, while informant

was at Akhada of Kokatwar, four persons came on a motorcycle and stopped at the Akhada. When informant saw in the light, they were Akshay Panpatte, Vaibhav Deshmukh, his son Rajratan and appellant. All the three accused persons started beating Rajratan saying, why he has not paid the bill amount in the hotel. Till informant could reach there, his son was beaten. When informant intervened, Akshay abused him by taking name of his caste. Thereafter, Rajratan was made to fall down and appellant drove motorcycle on his leg and thereafter all the accused persons fled from the spot. Informant then took his son Rajratan to Government Hospital and thereafter to Cure Max Multi Specialty Hospital, Nanded on 11th September, 2023. X-ray indicated that Rajratan has suffered fracture to his right leg. He was thereafter operated and discharged on 14th September, 2023. He, therefore, lodged FIR on 15th September, 2023 at 11.47 hours. Anticipatory Bail Application filed by appellant is rejected by the Trial Court, hence the present appeal.

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

4. Appellant belongs to Scheduled Caste and hence section 3 (2) (r) (s) and 3 (2) (va) of the Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act are not attracted against him. True it is that section 326 is *prima facie* made out against the appellant, however, the motorcycle allegedly used in the crime is already seized. Co-accused Akshay Panpatte and Vaibhav Deshmukh are granted anticipatory bail. There is delay in lodging the FIR, which is not properly explained by the informant. Statement of injured is recorded on 16th September, 2023. Injured has given statement in terms of the FIR. Investigation in the crime appears to be on the verge of completion. Appellant was granted interim protection and he has co-operated in the investigation. Custodial detention and / or interrogation of the appellant is not necessary in the facts of the present case.

5. Appeal is, therefore, allowed in terms of the interim protection granted to appellant on 7th November, 2023. 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. Learned advocate appointed for respondent No.2 be paid fees as per schedule, within four weeks.

[NITIN B. SURYAWANSHI]
JUDGE