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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.1173 OF 2023

Sajeed Ali Munnawar Ali

APPELLANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....
Mr. Rajendra S. Deshmukh, Senior Advocat i/b Mr. Devang R.
Deshmukh, Advocate for the appellant
Mr. S. B. Jadhav, APP for respondent - State
Mr. Abid R. Shaikh, Advocate for respondent No.3
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 6th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in Crime No. 357 of 2023 registered with Vimantal Police Station, Nanded for offence punishable under section 326, 323, 504, 506, 294 read with 34 of the Indian Penal Code and under sections 3 (1) (r), 3 (1) (s), 3 (2) and 3 (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. FIR is lodged by Manoj Pannalal Chavan, RTO Inspector, contending that Gajanan Giri is the Director of a Motor Driving School and Sajid Ali is the Director of PUC Center. Last month, informant went to Bhokar for inspection of Motor Driving School

of Virendra Giri, a relative of Gajanan Giri. He conducted inspection of said driving school and found certain irregularities and illegalities in the said Driving School. Therefore, he submitted negative report in the office, due to which Gajanan came to his office and asked informant to submit positive report about the inspection of the Motor Driving School at Bhokar. Informant told him that he would not change the report. On 1st November, 2023, at night time, informant, along with Motor Vehicle Inspector Pankaj Yadav and his friends Rajesh Shinde, Madhav Bindge and Driver Shrawan Jadhav were proceeding to take meal at outskirts of Nanded city. At that time, Pankaj received phone call from Gajanan Giri, who expressed desire to meet informant. Informant and others, therefore, went to Shriram Weighing Scale at Sangvi near by-pass road. Sajid Ali and Gajanan Giri met them. They asked informant and others to accompany them for dinner, which informant refused. At that time Gajnan Giri and Sajid Ali abused them by taking name of informant's caste and tried to assault informant with stick. Said assault was prevented by Pankaj, due to which Pankaj received injury.

3. Heard learned Senior Advocate for applicant and learned APP for the State. Perused the papers of investigation.

4. Learned Senior Advocate for applicant submits that there is delay in lodging the FIR. Even applicant was injured in the said incident and only with a view to increase gravity of offence, sections of Atrocities Act are added. The entire incident, as alleged by informant, is unbelievable. Applicant is falsely implicated in the present crime. It is submitted that since charge sheet is already filed custodial detention of applicant is not necessary.

5. Learned APP, by relying on investigation papers, opposed the application.

6. Perusal of investigation papers *prima facie* show applicant's involvement in the present crime. Injury certificate of Pankaj shows that he has suffered fracture to fifth Meta Corporal region of right hand and blunt trauma on right elbow. Those injuries can be attributed to applicant Sajid Ali. In the FIR there are specific allegations that both the accused have abused informant in the name of his caste. The incident has taken place in public view and, therefore, provisions of the Atrocities Act are attracted to the facts of the present case. In view of section 18 of the Atrocities Act, anticipatory bail cannot be granted to applicant. Stick used for the assault is yet to be recovered and since the

applicant has assaulted a public servant, he is not entitled for anticipatory bail.

7. Considering the involvement of applicant in the present crime and gravity of offence, the applicant is not entitled for discretionary relief of anticipatory bail.

8. In the result, application is rejected.

9. At this stage, learned advocate for applicant requests to continue the interim protection granted to applicant. For the reasons stated in the order, said prayer is rejected.

[NITIN B. SURYAWANSHI]
JUDGE