



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

CRIMINAL APPEAL NO. 131 OF 2024

AMOL SHANKAR KHANDAGALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Abhaysinh K. Bhosle, Advocate for Appellant
Mr. D.J. Patil, APP for Respondent No.1/State
Mr. Tushar Shinde, Advocate for Respondent No.2 (Appointed)

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 13th AUGUST, 2024

PER COURT :

1. By this appeal filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellant challenges order dated 06/10/2022, passed by learned Special Judge (under SC ST (POA) Act), Aurangabad, below Exhibit-6 in Sessions Case No.317/2022.

2. FIR is lodged by mother of deceased Manoj, by which she reported incident dated 20/04/2022. According to her, while she was at home with Manoj, one Satish Khare and five to six persons came along with him and took Manoj under the pretext of tent work (*Mandap*). Later on she received a video indicating Manoj being assaulted after his hands and legs were tied. She came to Aurangabad and went to the house of Satish Khare at Siddharth Nagar, Aurangabad. No one was found there. They went to Mehawale Function Hall at N-12 Hudco, Aurangabad. The said place

was locked. Informant went to Police Station wherein she got knowledge about Manoj being admitted in Ghati Hospital in unconscious state for the purpose of treatment, where he was declared dead. It is alleged that Satish Khare and others assaulted Manoj to death.

3. Heard learned advocate for appellant, learned APP for State and learned advocate for informant. Perused the documents placed on record.

4. Charge-sheet in present crime is filed on 18/07/2022. Appellant was arrested on 28/04/2022. His earlier Criminal Appeal No.870/2022, filed after filing of charge-sheet, was withdrawn as this Court was not inclined to grant him bail. Present appeal is filed on the ground of parity, contending that one Sanvidhan Jadhav (accused No.8 in charge-sheet) is granted bail by this Court vide order dated 26/10/2023.

5. Learned APP and learned advocate for informant have opposed the appeal on the ground that role attributed to Sanvidhan Jadhav is different than that of appellant and therefore, appellant is not entitled for bail on the ground of parity.

6. Perusal of charge-sheet shows that role attributed to appellant is that he brought deceased from home to the spot of incident. In some of the statements of witnesses, it is stated that

appellant along with co-accused assaulted deceased with fists and kick blows. Except that there is no other role attributed to appellant. Perusal of charge-sheet further shows that similar role is attributed to Sanvidhan that he assaulted deceased with fists and kick blows and after death of deceased, Sanvidhan along with other co-accused bathed the deceased. Considering these aspects, appellant is entitled for bail on the ground of parity.

7. In the result, following order:-

ORDER

- (I) Appeal is allowed.
- (II) Impugned order dated 06/10/2022, passed by learned Special Judge (under SC ST (POA) Act), Aurangabad, below Exhibit-6 in Sessions Case No.317/2022, is quashed and set aside.
- (III) Appellant Amol Shankar Khandagale be released on executing Personal Bond of Rs.15,000/- with one surety in the like amount, in C.R No.195/2022, registered with CIDCO Police Station, Aurangabad, for offence punishable under Sections 302, 143, 147, 148, 149, 120(B), 201, 114 of Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
- (IV) Appellant shall not enter the jurisdiction of Aurangabad City for a period of one year from today, except for attending the trial.

- (V) Appellant shall not tamper prosecution evidence and shall not contact and/or pressurize prosecution witnesses in any manner.
- (VI) Fees of learned advocate appointed to represent respondent No.2 be paid as per the schedule, within a period of four weeks from today.

(NITIN B. SURYAWANSHI, J.)