



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

942 CRIMINAL APPEAL NO. 753 OF 2024

ANIL GANGADHAR RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Appellant : Mr. Salunke Sudarshan J.

APP for Respondent/State : Mr.B.B. Bhise

Advocate for Respondent no.3 : Mr.Wakode Amolkumar Samadhan

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 25th September, 2024.

P.C.:

1. This appeal is preferred against the order dated 1st August, 2024 passed by the Additional Sessions Judge-2, Beed in Criminal Bail Application No.776 of 2024 filed in pursuance of the F.I.R. No.235 of 2024 registered with Police Station, Talwada, Dist. Beed, for the offences punishable under sections 118(1), 115, 352, 351(2), 189(2), 191(2), 190, 324(4) of the Bhartiya Nyaya Sanhita, 2023 and sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is prosecution's case that on 13th July, 2024, the informant, who is a victim lodged the report alleging that on that day at 10:00 a.m., she along with other female labourers and one driver Umesh Salve went to the agricultural land of the appellant for labour work. At about 4:30 p.m., she and other labourers demanded their money, whereupon the appellant and accused Gangadhar Rathod abused them on their caste. Thereafter, the appellant and co-accused

assaulted driver Umesh Salve with stone and fist and kick blows and threatened to kill them.

3. It is contention of the learned counsel for the appellant that the appellant has been falsely implicated in this case. The allegations in respect of abuse of caste are in chorus and not to only informant. Considering the allegations against the appellant, the custodial interrogation of the appellant is not required and requested to allow the appeal.

4. It is contention of the learned APP and learned counsel for respondent no.3 that the appellant and co-accused abused the informant and other lady labourers on their caste and assaulted the driver who was with the informant with stone and fist and kick blows. The incident happened in the public place in presence of people. Considering the allegations against the appellant, the custodial interrogation of the appellant is required and requested to dismiss the appeal.

5. I have heard all the learned counsel. Perused the F.I.R., police papers produced on record and the impugned order passed by the Special Court.

6. The allegations against the appellant are that when the informant and other women labourers came to work at the appellant's field and they finished their work and demanded amount then the appellant abused on the caste to the informant and other lady

labourers asking them how so early they finished their work. The allegations of abuse on caste are in chorus and not to specific to informant or other lady members. Witness Umesh has sustained simple injury. Considering these facts, the custodial interrogation of the appellant is not required and I pass following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 1st August, 2024 passed by the Additional Sessions Judge-2, Beed in Criminal Bail Application No.776 of 2024 is quashed and set aside.
- (iii) In the event of arrest of the appellant in connection with the F.I.R. No.235 of 2024 registered with Police Station, Talwada, Dist. Beed, for the offences punishable under sections 118(1), 115, 352, 351(2), 189(2), 191(2), 190, 324(4) of the Bhartiya Nyaya Sanhita, 2023 and sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the appellant be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following conditions :-
 - (a) the appellant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]