



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 CRIMINAL APPEAL NO. 1047 OF 2024

KAILAS S/O DEVICHAND RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Hande Avinash D., Advocate for Appellant

Mr. S. B. Narwade, APP for Respondent State.

CORAM : Y. G. KHOBRADE, J.

Dated : 16th December, 2024

PER COURT :-

1. Heard Mr. Avinash Hande, the learned counsel appearing for the Appellant, at length.
2. Issue notice to the respondents, returnable on 09.01.2025.
The learned APP waives service of notice on behalf of Respondent No.1 State.
3. Investigating Officer to serve Respondent No.2/Informant under Section 15A of the SC & ST (Prevention of Atrocities) Act, 1989.
4. The present Appellant/accused has prayed for interim anticipatory bail in Crime No. 0597/2024 registered with Aundha Nagnath Police Station, District Hingoli, for the offences

punishable under Sections 352, 351(1), 115(2) of the Bharatiya Nyaya Sanhita, 2023 read with Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. On perusal of the record, it appears that on 29.10.2024, Respondent No.2/ Informant lodged a report that, on 27.10.2024, at about 8.00 a.m., the informant alongwith his wife and daughter-in-law visited his field and at that time, he noticed a JCB in the field of the present appellant/accused. He also noticed about breaking of electric water pump wire due to JCB. When, he had asked the present appellant accused about causing loss due to breaking of electric wire by JCB, the accused abused him on his caste and assaulted him with fist and blows, due to which he sustained invisible injuries. On the basis of said report, aforesaid Crime No.597 of 2024 came to be registered against the appellant accused.

6. The record does not show that recovery of any weapon needs to be effected. The alleged incident of abuse on caste took place in the agricultural field, where no other persons were present. Therefore, considering the nature of the offence and facts circumstances of the case, to my view, it would be just

and proper to release the Appellant on interim anticipatory bail, till next date. Accordingly, I proceed to pass the following order:

O R D E R

- (i) In the event of arrest, the Appellant- Kailas s/o Devichand Rathod, in connection with Crime No. 0597/2024 registered with Aundha Nagnath Police Station, District Hingoli, he shall be released on anticipatory bail on furnishing PR. and S.B. bond of Rs.50,000/- .
- (ii) The Appellant shall attend the concerned Police station on each Wednesday between 1.00 p.m. to 2.00 p.m. and shall cooperate with the Investigating Officer, till filing of the charge-sheet.
- (iii) The Appellant shall not issue any threat to any witnesses including the complainant/informant and shall not tamper prosecution witness.

(Y. G. KHOBRAGADE, J.)