



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 91 OF 2024

ARJUN VISHNU SHIRKE .. APPELLANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

**WITH
CRIMINAL APPEAL NO. 92 OF 2024**

SAURABH @ NIKHIL BABASO PATIL .. APPELLANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Ms. Sakshi Mane i/b Mr.Samay Pawar, for the appellants.
Ms.Priyanka H. Chavan, for respondent no.2.
Smt. Sangeeta D. Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : APRIL 15, 2024

P.C. :

1. Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned APP for the State.
2. These two appeals are decided by this common order by the consent of the parties.
3. These are the appeals for pre-arrest bail and for

quashing and setting aside the impugned order rejecting the applications of the appellants for pre-arrest bail in respect of the offence punishable under Sections 324, 354B, 323, 504, 506, 143, 148, 149 of the Indian Penal Code and under Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("Atrocities Act", for short) registered on 26/12/2023 vide C.R. No.904 of 2023 with Karveer Police Station.

4. Perusal of the complaint reveals that the informant and her husband were working at the brick-kiln. The complainant's husband owed money to the appellants. The appellants came to the spot demanding the return of money which the informant's husband had taken from them. The informant's husband requested for some time to make the payment. It is alleged that the appellants along with the others assaulted the informant's husband. The appellants used the abusive words in the name of caste which is an offence under the Atrocities Act.

5. Learned APP as well as learned counsel for the respondent no.2 submitted that the incident was witnessed

by two persons including the informant. It is further submitted that the independent witness – Ganesh Namdev Vitekar in the supplementary statement specifically mentions about the caste based abuse.

6. I, however, find that the witness is the cousin brother of the informant and therefore cannot be regarded as independent witness. The injuries sustained by the informant's husband are simple in nature. Prima facie, there is some substance in the contention of the learned counsel for the appellants that there being monetary transaction between the appellant no.1 and the informant's husband, the possibility of allegations as regards abuses in the name of caste being exaggerated or false cannot be ruled out. In the facts and circumstances of the present case, I am inclined to confirm the interim order. Hence, the following order :-

ORDER

(a) The appeals are allowed.

(b) In the event of arrest, the appellants Arjun Vishnu Shirke and Saurabh @ Nikhil Babaso Patil in connection with C.R. No. 904 of 2023 registered with Karveer

Police Station shall be released on bail on their furnishing P.R. Bond in the sum of Rs.15,000/- each with one or more sureties in the like amount.

(c) The appellants shall report to the investigating officer on 22/04/2024 and 23/04/2024 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called.

(d) The appellants shall co-operate with the investigation.

(e) The appellants shall not threaten, intimidate or contact the complainant.

7. The appeals are is disposed of.

8. I appreciate the valuable assistance rendered by Advocate Ms.Priyanka H.Chavan, who appeared on behalf of respondent No.2 in these proceedings at my request. Her engagement be regularized by the Legal Services Authority.

(M. S. KARNIK, J.)