

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.266 OF 2024

Santosh Baban Jadhav

.. Appeal

Versus

State of Maharashtra and anr

.. Respondents

...

Mr.Meghdeep Milind Oak for the appellant.

Mr.Ranjeet Patil, for respondent no.2.

Smt. M.H. Mhatre, APP for State.

CORAM: BHARATI DANGRE, J.

DATED : 17th APRIL, 2024

P.C:-

1 The appellant is facing charge under Section 307, 324, 323, 327, 143, 147, 148, 149, 504, 506, 269, 270 of IPC and Section 3(1)(r)(v), 3(2)(v) of the Scheduled castes and Scheduled Tribes (Prevention of Atrocities) Act.

 In connection with the said C.R, he was to be arrested on 11/08/2021 and after availing the police custody, was remanded to judicial custody.

 On completion of investigation, the charge-sheet as well as the supplementary charge-sheets are filed against six named accused persons and three unknown persons.

 As far as the present appellant is concerned, he is arraigned as accused no.1.

2 With the able assistance of the counsel for the appellant and the learned APP, I have perused the material compiled in the charge-sheet.

It is revealed that one Shivaji Kisan Yekad is the complainant, who had entered into a land deal with Shambo Giri and having paid the part consideration, it was agreed that the balance consideration shall be paid, after the land was transferred in his name.

The alleged incident took place on 24/07/2021, when the complainant received a phone call from the present appellant and he questioned him as to why he was exploiting the poor man, Shambo Giri and he was asked to enhance the consideration, or else he was offered the land belonging to Santosh.

Thereafter, while he was present in the land, which he had purchased for Shambo Giri, as the work of erecting compound was ongoing, Santosh i.e. the present appellant arrived on the spot in white Indica car and two persons accompanied him on a motorcycle and they were identified as parents of Shambo Giri and on another Motorcycle, Lata Baban Jadhav also arrived at the spot.

Ravi Baban Jadhav, his wife Mona Ravi Jadhav approached the complainant and Santosh Jadhav raised a brawl on the issue of the land deal, he had struck with Shambho Giri and the persons present started uprooting the compound, which

was being erected.

Santosh Jadhav is alleged to have asked the persons accompanying him to get the weapons from his Indica Car and he himself was armed with a Sword and hit Shivaji on his head, whereas Ravi Jadhav is alleged to have stabbed him in the stomach, with a help of a knife.

When Namdev, came to his rescue, Santosh is alleged to have hit him by the sword in his head and two other unknown persons also assaulted Namdev by scythe causing injuries to his face. It is also alleged that abuses in the name of caste were also hurled by Santosh.

3 The statement of Namdev, recorded under Section 164 forms part of the charge-sheet.

Apart from this, the injury certificates of the complainant Shivaji and Namdev are also placed on record. As far as Shivaji is concerned, he has sustained four injuries in form of CLW, being described as simple injuries, whereas Namdev sustained, simple injuries and one grievous injury, in form of a fracture on the elbow.

4 As far as the role attributed to the present appellant is concerned, it has clearly surfaced through the statements of the witnesses, who themselves are the injured and the injury certificates also speak for themselves.

He face an accusations under Section 307 along with

323, 324 of IPC, apart from the other sections that are invoked.

5 On completion of investigation, the charge-sheet is filed and though the appellant may take the consequences of his act, when he is ultimately tried, he seek parity with the co-accused Ravindra Jadhav, who is released on bail by the order passed by me on 1/11/2022, and despite a strong opposition by the learned counsel representing the complainant, I am of the view that he is entitled to claim the parity.

In any case, since the investigation is complete, no fruitful purpose would be served in further detaining the appellant and therefore even he deserve his release on bail subject to the following conditions.

:ORDER:

- (a) Criminal Appeal is allowed.
- (b) The impugned order dated 29/01/2024 passed by the Special Judge, Baramati in Bail Application at Exhibit-59 in Special Case No.198 of 2021 is quashed and set aside.
- (c) Appellant- Santosh Baban Jadhav shall be released on bail in connection with C.R. No.673 of 2021 registered with Indapur Police Station on furnishing P.R. Bond to the extent of Rs.50,000/- with one or more sureties in the like amount.
- (d) Till the conclusion of the trial, the Appellant shall reside outside Taluka Indapur.
- (e) On being released on bail, the Appellant shall report

to the Indapur Police Station and inform the address of the place, where he intends to reside till the conclusion of the trial and his contact number and shall keep it updated, in case there is any change.

(f) The Appellant shall mark his attendance to the police station in whose jurisdiction he shall reside, on first Monday of Trimester between 3:00 p.m. to 5:00 p.m till framing of charge.

(g) The Appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Appellant shall not tamper with evidence.

(SMT. BHARATI DANGRE, J.)