

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPEAL NO. 417 OF 2024

Nitin Arun Chaudhari ...Appellant
Versus
State of Maharashtra & Anr ...Respondents

Mr Umar Kazi (VC), with Sonia Santis, for the Appellant.
Ms Sangeeta Shinde, APP, for the Respondent-State.
Mr RD Suryawanshi, for Respondent No.2.
Mr BD Pawar, PSI, Kalyan Taluka Police Station present.

CORAM N.R. Borkar, J.
DATED: 30th April 2024

PC:-

ARUN
RAMCHANDRA
SANKPAL

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1. The Appellant who is an accused in Crime No. 513 of 2023 registered with Kalyan Taluka Police Station for the offence punishable under Section 324, 504 read with 34 of the Indian Penal Code and Section 3 (1) (r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, has filed this Appeal against the order dated 8th November 2023 passed by the Additional Sessions Judge, Kalyan in Anticipatory Bail Application No. 1658 of 2023. By the order impugned, the learned Additional Sessions Judge has rejected the Application filed by the present Applicant for anticipatory bail.

2. I have heard learned Counsel for the Appellant, learned APP for State and learned Counsel for the Respondent No.2.

3. The aforesaid crime came to be registered at the instance of Respondent No.2/Complainant. According to the Complainant, he belongs to the Caste Thakur, which is recognized as Scheduled Tribe. According to him on the date of incident, which took place on 19th August 2023, initially the present Appellant and other co-accused had hurled caste related abuses at his maternal aunt with a view to insult and humiliate her. He has alleged that when he want to inquire with the present appellant and other co-accused in relation to the said incident, he too was assaulted and abused.

4. The learned Counsel for the Appellant submits that in fact in the incident in question the Appellant was assaulted by a sword. It is submitted that the present FIR is lodged as a counterblast to the FIR lodged by the Appellant. The learned Counsel submits that there is no need of custodial interrogation.

5. On the other hand, the learned APP for the Respondent-State and the learned Counsel for respondent No.2 submit that the present Appellant assaulted the Complainant by sharp weapon. The learned APP submits that in addition to the present crime, the Appellant is involved in three more crimes for the offences punishable under Section 307 of the Indian Penal Code and the Atrocities Act. It is thus submitted that Appellant may not be released on anticipatory bail.

6. I have perused the first information report. A specific overt-act is attributed to the present Appellant. The present Appellant has assaulted the complainant by sharp weapon.

7. Apart from above, the Appellant is involved in three more crimes of serious nature. Considering the overall facts and circumstances, I am not inclined to entertain the present Appeal. The Appeal is dismissed.

(N. R. Borkar, J)