



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

CRIMINAL APPEAL NO. 363 OF 2024

CHANAPPA @ CHANABASAPPA
SHIVYOGI KARALE AND ANR.

..APPELLANTS

VS.

STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Mr. Viresh Purwant a/w Mr.Suraj Gadkari and Adv.Fareha Rizvi, for the Appellants.

Ms. Sangeeta D. Shinde, APP for the State.

Ms.Trupti Khambher, for Respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : APRIL 29, 2024

JUDGMENT :

1. Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned APP for the State.

2. This is an appeal for quashing and setting aside the impugned order dated 16/03/2024 passed by learned Sessions Judge, Solapur below Exhibit 22 in Special Case No. 3 of 2024 in connection with the offence punishable under sections 341, 323, 143, 147, 149, 504 & 506 of the Indian Penal Code ("IPC", for short) and under sections 3(1)(R)(S) &

3(1)(Y), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Atrocities Act") registered on 08/10/2023 vide C.R. No. 617 of 2023 with Akkalkot South police station. The appellants are arrested on 14/02/2024.

3. Appellant no.1 is 74 years of age and the appellant no.2 is 67 years of age. The case of the prosecution is that on 23/09/2023, Sarpanch Kashibai Sangapa Karle called the respondent no.2 in Grampanchayat office for monthly meeting. Being a member, she went to Grampanchayat office at 11.30 a.m. At that time, husband of the Sarpanch Kashibai- appellant no.2 who was looking after the work on behalf of his wife, was standing outside the office of Grampanchayat along with his son-Pintu Karle and brother-appellant no.1. When the respondent no.2 was entering the Grampanchayat, she was obstructed and was told not to enter the Grampanchayat office. There was exchange of words which resulted in appellants's abusing the complainant in the name of her caste. It is alleged that the appellants assaulted the complainant with fist blows.

4. The appellants were arrested on 14/02/2024. The

appellants are in custody for more than 2 ½ months. The investigation is complete. The charge-sheet has been filed. The maximum sentence for the offence punishable under the IPC is 1 year. The maximum sentence for the offence punishable under the Atrocities Act is 5 years imprisonment. In the facts and circumstances of the present case, though the appeal is opposed by learned APP as well as the respondent no.2, I am inclined to enlarge the appellants on bail. Hence, the following order :-

ORDER

- (a) The appeal is allowed.
- (b) The impugned order dated 16/03/2024 passed below Exhibit 22 in Special Case No. 3 of 2024 is quashed and set aside.
- (c) The appellants- Chanappa @ Chanabasappa Shivyogi Karale and Sangappa Shivyogi Karale in connection with C.R. No. 617 of 2023 registered with Akkalkot South police station shall be released on bail on their furnishing P.R. Bond of Rs.15,000/- each with one or more sureties in the like amount.
- (d) The appellants are permitted to furnish cash bail surety in the sum of Rs. 15,000/- each for a period of 6 weeks in lieu of surety.

(e) On being released on bail, the appellants shall furnish their contact numbers and residential addresses to the investigating officer and shall keep him updated, in case there is any change.

(f) The appellants shall attend the trial regularly. The appellants shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) The appellants shall not contact, influence or threaten the respondent no.2 or witnesses.

5. The appeal is disposed of.

6. I appreciate the valuable assistance rendered by Advocate Ms.Trupti Khamkar who appeared on behalf of respondent No.2 in this proceeding. Her engagement may be regularized by the Maharashtra State Legal Services Authority and may be paid the fees prescribed.

(M. S. KARNIK, J.)