

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

CRIMINAL APPEAL NO. 374 OF 2024

Dattatray Bhagwan Gadage ...Appellant
Versus
The State of Maharashtra And Anr. ...Respondents

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Mr.R.D. Suryawanshi, Advocate for the Appellant.

Ms.Meghna Gowalani, Advocate for Respondent No.2.

Mrs.Megha S. Bajoria, A.P.P. for the Respondent No.1 – State.

Mr. Shinde (Dy.S.P) and Mr. Sakhare (P.S.I.) present.

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CORAM : N. R. BORKAR, J.
DATE : 6th MAY, 2024.

P.C.:

1. The Appellant, who is an accused in Crime No.19 of 2024 registered with Tokawade Police Station, Murbad, Dist. Thane for offences punishable under Sections 363, 143, 509, 323, 504 & 506 of Indian Penal Code (for short “IPC”) and Sections 3(1)(r), 3(1)(r) (s) and 3(1)(w)(ii) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [for short “SC/ST (Prevention of Atrocities) Act”], has filed this appeal against an order passed by the Sessions Court, dated 01.04.2024 in Bail Application No.556 of 2024. By the order impugned the Sessions Court has rejected the application filed by the Appellant for regular bail.

2. I have heard the learned counsel for the Appellant, learned A.P.P for the Respondent No.1-State and the learned counsel for Respondent No.2.

3. The main allegations against the present Appellant and other co-accused are of kidnapping.

4. The learned counsel for the Appellant submits that the victims were instrumental for suicide of Appellant's relative. It is submitted that the victims were therefore picked and taken to the police station and they were not kidnapped as alleged.

5. On the other hand the learned APP and the learned counsel for Respondent No.2 submits that victims were kidnapped and they were brutally assaulted. It is submitted that they were rescued by the police personnel.

6. I have perused the statements of victims. The alleged incident of kidnapping took place on 23.02.2024 and on the very same day they were rescued by Police Personnels. They were taken to Murbad Police Station and enquiry was made with them. However, no crime was registered on that day. Though according to the victims they were brutally assaulted, however there are no injury certificates. Considering the overall facts and circumstances of the present case, I am inclined to allow the appeal.

ORDER

- i. Criminal Appeal No. 374 of 2024 is allowed;
- ii. The order dated 01.04.2024 passed by the learned Additional Sessions Judge, Kalyan in Bail Application No.556 of 2024 is quashed and set-aside;
- iii. The Appellant is directed to be released on bail in connection with C.R. No.I-19 of 2024 registered with Tokawade Police Station, on executing P.R. Bond in the sum of Rs.15,000/- with one surety in the like amount;
- iv. The Appellant shall attend the concerned police station once in a month, i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial;
- v. Appeal stands disposed of accordingly.

(N. R. BORKAR, J.)