



Diksha Rane

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

CRIMINAL APPEAL NO.1364 OF 2023

CHARANDAS KASHINATH SOSHTE ..APPELLANT
VS.
THE STATE OF MAHARASHTRA AND ORS. ..RESPONDENTS

Adv. Prathamesh Naik i/b. Adv. Dileep Shinde for the
appellant.

Mr. S. H. Yadav, APP for the State.

Adv. Azimuddin Kazi a/w. Adv. Rizwan Khan, Adv. Sumaiya
Ansari i/b. N. N. Kazi & Associates for the respondent nos.2
to 5.

API Arun Gholap , Shantinagar Police Station, Bhiwandi,
Thane.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 7, 2024

P.C. :

1. Heard learned counsel for the appellant, learned APP
for the State and learned counsel for the respondent nos.2
to 5.

2. This is an appeal challenging the order dated
27/7/2023 enlarging the respondent nos. 2 to 5 on bail by
the trial Court.

3. Learned counsel for the appellant invited my attention
to the First Information Report dated 9/7/2021. It is
submitted that apart from the accusation that the

respondent nos. 2 to 5 assaulted the appellant/complainant, there is specific accusation that the respondent nos. 2 to 5 abused the appellant/complainant in the name of his caste. It is, therefore, submitted that the trial Court has committed an error in enlarging the respondent nos.2 to 5 on bail. It is further submitted that the trial Court has not at all considered the accusations made by the appellant/complainant relating to caste based abuse while allowing the application for bail.

4. Learned APP for the State and learned counsel for the respondent nos.2 to 5 opposed the appeal.

5. The trial Court had, by an order dated 6/8/2021 in Criminal Anticipatory Bail Application No.2357/2021, rejected the anticipatory bail applications filed by the respondent nos. 2 to 5. The order passed by the trial Court was challenged in this Court by way of various appeals. This Court by an order dated 19/9/2022 made the following observations which are as under:-

“4. The learned Counsel for the Appellants submits that during the pendency of the present Appeals the State has filed the charge sheet.

5. In view of the filing of charge sheet, instead of entertaining the present Appeals it would be appropriate to direct the Appellants to file Regular Bail Applications before the competent

Court and to continue the order passed by this Court dated 12.08.2021 till the decision of the competent Court in the Applications for Regular Bail.

6. The Appellants are directed to file an Application for Regular Bail within a period of three weeks from today. If such Bail Application is filed, the concerned Court shall decide it on its own merits without being influenced by the order passed by this Court dated 12.08.2021.

7. The interim Anticipatory Bail granted to the Appellants by order dated 12.08.2021 shall continue to operate till the decision of the competent Court in the Applications for Regular Bail.

8. The Criminal Appeals are disposed of in the aforesaid terms. Needless to mention that the concerned Court before passing an order on Regular Bail Applications of the Appellants, shall grant an opportunity of hearing to the Respondent No. 3.”

6. Considering that the charge-sheet was already filed, this Court permitted the respondent nos. 2 to 5 to file an application for regular bail before the trial Court. In the meantime, the interim bail granted to the respondent nos.2 to 5 was continued. It is pertinent to note that the order dated 19/9/2022 passed by this Court has not been challenged and the order has attained finality. Consequent of the order dated 19/9/2022, the respondent nos.2 to 5 filed an application for regular bail before the trial Court. Since the charge-sheet is filed, the trial Court in the facts and circumstances of the case observed that necessary investigation is already carried out. It is observed that the culmination of trial will take long time and that there is no purpose in keeping the applicants/accused behind bars

since the object of bail is neither punitive nor preventive but only to secure appearance of accused at the time of trial. The approach of the trial Court cannot be said to be unreasonable or unwarranted in the facts of the present case. I, therefore, do not find any merit in the submissions of learned counsel for the appellant. The appeal is consequently dismissed. The same is disposed of accordingly.

(M. S. KARNIK, J.)