

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

CRIMINAL APPEAL NO.678 OF 2024

Subhash @ Bhaiya Abasaheb Kshirsagar & Anr.
V/S

....Appellants

The State of Maharashtra & Anr.

....Respondents

Mr. Ghansham Jadhav *for the Appellant.*

Ms. Shilpa G. Talhar, APP *for Respondent/State.*

Mr. Prakash Somnath Pawar, API, Indapur Police Station present in Court.

CORAM: SANDEEP V. MARNE, J.

DATE : 5 JULY 2024.

P.C.:

1 This Appeal is filed under provisions of section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (**SC & ST Act**) challenging order dated 20 June 2024 passed by Additional Sessions Judge, Baramati rejecting the application filed by the Appellants for pre-arrest bail in connection with CR No.423 of 2024 registered with Indapur Police Station for offences punishable under sections 143, 147, 148, 149, 324, 504, 506 of the Indian Penal Code, 1860 and sections 3(1)(r)(s), 3(2)(va) and 6 of the S.C. & S.T. Act and under section 7(1)(d) of the Protection of Civil Rights Act, 1955.

2 Perusal of the FIR would indicate that initially only the first accused Rohit Kshirasagar was named in the statement recorded on 11 May 2024.

The Injured has accused Rohit Kshirasagar of assaulting him with sickle. So far as the other accused are concerned, they were initially not named in the statement dated 11 May 2024. The learned APP has drawn my attention to the supplementary statement dated 14 May 2024 of the injured in which he has named total five persons which includes the two Appellants. It appears that the statements of three eye witnesses are also recorded which prima facie indicate that only one person was carrying sickle whereas the other persons were carrying wooden logs. This prima facie contradicts the statement of the injured that two persons were carrying iron rods . Perusal of the injury certificate would indicate that cause of only two simple injuries on front side of forehead and back by hard and blunt object. So far as the accusation about reference to the caste is concerned the same is ascribed to only Rohit Kshirasagar and not to the Appellants.

3 In that view of the matter, interim protection deserves to be granted in favour of the Appellants till the next date of hearing. I accordingly proceed to pass the following order:

ORDER

a) In the event of arrest of the Appellants in Crime No.423 of 2024 registered with Indapur Police Station for the offences punishable under sections 143, 147, 148, 149, 324, 504, 506 of the Indian Penal Code, 1860 and sections 3(1)(r)(s), 3(2)(va) and 6 of the S.C. & S.T. Act and under section 7(1)(d) of the Protection of Civil Rights Act, 1955. they shall be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount,

(b) The Appellants shall appear before the Investigating Officer on 22 and 23 July 2024 between 11.00 to 2.00 p.m. and shall co-operate with the investigation,

(c) Appellants shall furnish identity and address proof of themselves and of their two blood relatives while furnishing sureties.

(d) Appellants shall not pressurize the informant or any other witnesses acquainted with the facts of the case nor shall tamper with the evidence either directly or indirectly.

4 Issue notice to Respondent No.2, returnable on 6 August 2024. The Investigating Officer shall record statement of Respondent No.2 as to whether he desires to engage private advocate or be represented through Legal Aid Advocate. Statement of Respondent No.2 be produced on the next date of hearing.

(SANDEEP V. MARNE, J.)

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signed by
SUDARSHAN
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KATKAM
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