

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 700 OF 2024**

1. Dnyaneshwar Shriram Kushare
 2. Dattu Uttam Kushare
 3. Ravindra Uttam Kushare
 4. Ravindra Sanjay Kushare
 5. Kanifnath alias Kanif Karbhari Kushare
- }*Appellants*

: *Versus* :

1. The State of Maharashtra through
Deputy Superintendent of Police,
(Dy.S.P.), Mandmad
 2. Krushan Patilbuva Jagtap
- }*Respondents*

Mr. Ranjit Jadhav i/by. Mr. Gaurav Pandey, for the Appellants.

Ms. Shilpa Gajare-Dhumal, APP for State-Respondent No.1.

PSI, Suresh B. Chaudhari from Chandwad Police Station, Nashik present.

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CORAM : SANDEEP V. MARNE, J.

Dated : 10 July 2024.

P.C. :

- 1) This is an Appeal filed under Section 14A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SCST Act)

challenging the order dated 15 June 2024 passed by the Additional Sessions Judge, Niphad rejecting the application for pre-arrest bail.

2) Perusal of the FIR, as well as witness statements shown to me by the learned APP would indicate that the time of the incident is shown to be at 9.00 p.m. on 9 May 2024. It appears that the Appellants have procured CCTV footage of Hotel, Saikiran of 9 May 2024 between 9.00 to 10.00 p.m. and it appears that after watching the said CCTV footage, the learned Sessions Judge has recorded a finding that the First Informant was present at Hotel Saikiran between 9.00 p.m. to 10 p.m. consuming liquor alongwith the witnesses whose statements are recorded. Infact, the First Informant was apparently present before the Trial Court on the date of hearing of the bail application and admitted his presence at Hotel, Saikiran as reflected in the CCTV footage. In that view of the matter, Appellants deserve to be granted interim protection till Respondent No.2 makes appearance in the Appeal.

3) Issue notice to Respondent No.2 returnable on **5 August 2024**. In the meantime, the Investigating Officer to record the statement of Respondent No.2 as to whether he is desirous of engaging private Advocate or seeks to avail the services of Legal Aid Panel Advocate and submit a report to this Court before the next date of hearing.

4) Till the next date of hearing, in the event of arrest of the Appellants, they shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties in the like amount.

5) The Appellants shall remain present before the concerned Police Station on 15, 16 and 17 July 2024 between 11.00 a.m. to 2.00 p.m. and assist the Investigating Officer in completion of investigation, as well as for recovery of necessary items.

6) The 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.

7) The Appellants shall furnish identity and address proof of himself and of his two blood relatives while furnishing sureties.

8) The Appellants shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Trial Court as well as to the concerned Police Station in writing.

[SANDEEP V. MARNE, J.]