

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1182 OF 2024

Ritesh Ranjit Ravalkar

....Appellant
(Orig. Accused no.1)

: *Versus* :

The State of Maharashtra & Anr.

....Respondents

Mr. Rupesh A. Zade ,for the Appellant.

Ms. Anuja S.Gotad, APP for Respondent No.1-State.

Mr. Ankur Pahade, Advocate appointed for Respondent No.2.

Mr. D.S. Warule, Wadgaon Nimbalkar Police Station present.

CORAM : SANDEEP V. MARNE, J.

Dated : 19 DECEMBER 2024.

P.C. :

1) This is an Appeal filed under the provisions of Section 14A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**S.C.S.T. Act**) challenging order dated 19 October 2024 passed by the learned Additional Sessions Judge, Baramati rejecting the application filed by the Appellant for grant of regular bail under section 439 of the Criminal Procedure Code in connection with C.R. No.319/2024 registered with Vadgaon Nimbalkar Police Station for the offences punishable under Sections 118(2), 115(2), 351(2), 352 of

Bhartiya Nyay Sanhita, 2023 and under Section 3(1)(r)(s), 3(2)(va) of the S.C.S.T. Act.

2) I have heard Mr. Zade, the learned counsel appearing for the Appellant, Mr. Pahade, learned Advocate appointed by the Court to represent Respondent No.2 and Ms. Gotad, the learned APP appearing for Respondent No.1-State.

3) The statements of the Complainant and the injured would indicate that the allegations against the Appellant are hurling caste based abuses and assaulting the Complainant and the injured not only by fists and kicks but also by use of wooden log. The assault on injured-Vishal Patole by use of wooden log is attributed to the Appellant. It appears that Vishal has suffered injuries on account of blow given by wooden log on his right ear. There is also allegation of blows given by wooden log on Vishal's back, hands and legs. Perusal of the Injury Certificate shows that the Complainant, Somnath and injured Vishal have suffered multiple injuries. So far as Complainant-Somnath is concerned all the three injuries are simple. However, one of the injuries suffered by Vishal Patole indicates that CT scan was required to be performed in respect of the injuries suffered by him on his ear. It therefore, prima-facie, becomes difficult to believe that Vishal Patole has suffered only simple injuries.

4) Appellant is arrested on 6 August 2024 and has been in custody since then.

5) Both Mr. Pahade and Ms. Gotad would invite my attention to some of the photographs and social media messages to suggest that

the Appellant and his friends are creating an element of terror in the locality. It is alleged that photographs of Appellant are taken not only from the jail but when he is brought to the Court when several of his friends visit the Court, take his photographs and spread messages on social media for creating terror in the locality. Ms. Gotad would point out that the entire family of the Appellant has criminal background and two of his brothers are already in custody in connection with some other crime. Mr. Pahade, would particularly highlight supplementary statement of the Complainant and injured-Vishal recorded on 1 August 2024 in which the duo has expressed fear on account of terror created by the friends of the Appellant and while Somnath has changed his address, Vishal Patole has started residing in Pune and Mumbai. After this Court expressed disinclination to grant bail in favour of the Appellant on account of element of terror sought to be created by the Appellant in association with his friends coupled with one criminal antecedent against him, Mr. Zade would submit that the Appellant shall keep himself outside the jurisdiction of Baramati Taluka.

6) The Appellant is in custody for more 4 and ½ years and there is no likelihood that the trial would commence in the near future. The Appellant cannot be incarcerated indefinitely.

7) I accordingly proceed to pass the following order :

(i) Order dated 19 October 2024 passed by the Additional Sessions Judge, Baramati is set aside. Appellant-Ritesh Ranjit Ravalkar shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(ii)Appellant shall not contact, pressurize the Complainant in any manner or any persons associated with the case.

(iii)Appellant shall not enter the jurisdiction of Baramati Taluka during pendency of the special such case, except for attending proceedings in the Court.

(iv)In the event it is found that the Appellant himself or any person on his behalf has threatened the Complainant, Vishal Patole or any other witnesses associated with the case even on single occasion, the Prosecution, as well as the Complainant would be at liberty to apply before the learned Special Judge for immediate cancellation of bail granted to the Appellant.

(v) The Appellant shall attend each date of hearing before the Trial Court unless exempted from personal appearance.

(vi) The Appellant 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.

8) With the above directions, the Appeal is **allowed and disposed of.**

[SANDEEP V. MARNE, J.]

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