

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

CRIMINAL APPEAL NO. 1220 OF 2024

Shrikant Parmeshwar Patil And Anr.

... **Appellants**

Versus

State of Maharashtra And Anr.

... **Respondents**

AND

CRIMINAL APPEAL NO. 1247 OF 2024

Shrishail Sidharam Patil

... **Appellant**

Versus

State of Maharashtra

... **Respondent**

Mr. Himanshu Patil *a/w Mr. S. Sonar i/b Mr. Piyush Todkar for the Appellants.*

Ms. Anuja S. Gotad, *APP for Respondent No.1-State in APPEAL/1220/2024.*

Ms. Shilpa G. Talhar, *APP for the Respondent-State in APPEAL/1247/2024.*

Mr. R. K. Fulari, *PHC, Akkalkot (N) Police Station is present.*

CORAM : SANDEEP V. MARNE, J.

DATE : 27 NOVEMBER 2024.

P.C. :

1) These Appeals are filed under the provisions of Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging the order dated 11 October 2024 passed by the District Judge-4 and the Additional Sessions Judge, Solapur rejecting the applications filed by the Appellants for granting pre-arrest bail in connection with C.R. No.431 of 2024 registered with Akkalkot North Police Station, Solapur for offence punishable under Sections 115(2), 118(1), 118(2), 189(2), 190, 191(2), 191(3), 324(2), 351(2) and 352 of the Bhartiya Nyaya Sanhita, 2023 (**BNS**) and under Sections 3(1)(r)(s), 3(2)(s) and 3(2)(va) of the SC & ST Act.

2) I have heard the learned counsel appearing for the Appellants and have considered the submissions canvassed by him. I have also gone through the FIR, the injury certificate as well as the findings recorded by the learned Special Judge while rejecting the Applications filed by the Appellants for anticipatory bail.

3) It appears that there are specific allegations against the Appellant Shrikant Parmeshwar Patil of committing assault on the head of the injured with axe. So far as the Appellant Gajanand Chandappa Dindure is concerned, there is allegation of assault by use of wooden log. So far as the Appellant Shrishail Sidharam Patil is concerned, there is allegation of assault by use of iron rod. The injury certificate fortifies the contents of FIR statement about assault on

various parts of the body of the injured by use of axe, wooden log and iron rod. It appears that one of the accused Mallinath Pandit Dhabbe, whose anticipatory bail was rejected by this Court, had filed Criminal Appeal No. 1169 of 2024 and after noticing disinclination on the part of this Court to grant any protection, the said accused chose to withdraw the Appeal by expressing willingness to surrender before the learned Special Court. Accordingly, accused Mallinath Pandit Dhabbe has been arrested. I do not find any valid reason to grant any different treatment to the present Appellants.

4) In my view, there appears to be *prima facie* material against the Appellants and therefore their custodial interrogation would be necessary for the purpose of recovery of weapons used in commission of the crime. Therefore, no case is made out for grant of anticipatory bail. I therefore do not find any valid reason to interfere in the impugned order passed by the learned Special Judge. Appeals are devoid of merits and are accordingly **dismissed**.

[SANDEEP V. MARNE, J.]