



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO.346 OF 2024
IN
CRIMINAL APPEAL NO.188 OF 2024

(Pramod s/o Natthuji Ladole and another Vs. State of Maharashtra thr. PSO PS
Anjangaon Surji, Dist. Amravati and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. S. Gandhe, Advocate for Appellants.

CORAM: URMILA JOSHI PHALKE, J.
DATE: 2nd APRIL, 2024.

By this application the appellants are seeking anticipatory bail in connection with Crime No.147/2024 registered with Police Station Anjangaon Surji for the offence punishable under Sections 143, 147, 294 and 506 read with Section 149 of the Indian Penal Code and under Section 3(2)(va), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. In this appeal the appellant has challenged the order passed by the Special Judge in Criminal Bail Application No.100/2024 by which the Special Court, Achalpur has rejected the anticipatory bail application of the present appellants.

2. The learned counsel for the appellants submitted that from the recitals of the FIR it reveals that the general allegation is made against the present appellants and another co-accused it is the allegation is that in chorus the

appellants and the other accused abused the informant on his caste. In support of his contention he placed reliance in the case of ***Vijaymala and Ors. v The State of Maharashtra and Ors.*** reported in ***2020 ALL MR (Cri) 1835*** wherein the Co-ordinate Bench at Aurangabad has by referring the judgment of ***Shashikant Ramhari Tambe and Ors. v. State of Maharashtra*** reported in ***2008 ALL MR (Cri.) 2132*** and in ***Mukesh Kumar Saini v. State (Delhi Administration)*** reported in ***MANU/DE/0745/2001*** wherein it is observed that there was no specific accusations against each of the accused and Section 34 of IPC cannot be pressed into service. Omnibus statement that all the accused persons uttered allegedly humiliating word may not be enough. In that case also, on the basis of those observations, when allegations were that all the accused had made abuses and there was no specific accusation against each of the accused, anticipatory bail was granted when the offence was under the Atrocities Act. The Co-ordinate Bench in para No.10 observed that in view of the observations in the above said judgment it could not have been in a chorus and the appellant wherein can be given benefit of the decisions in view of ***Shashikant Tambe's*** case as well as ***Sugriv Garde's*** case. It is further observed that where the abuses cannot be chorus *prima facie* it will have to be observed that the offences under the atrocities act are not made out against the appellants. The learned counsel submitted that similar is the allegation in the present FIR in view of the observation the appellants be protected by granting

ad-interim anticipatory bail.

3. The learned APP strongly opposed the said application and submitted that the specific allegation is made against the present appellants and other co-accused that they have abused the informant on their caste.

4. After hearing both the sides and after going through the observations made by the Co-ordinate Bench which is suddenly applicable to the present case also here abuses are as per the allegation in a chorus. There is no reason to take a different view, as the consistent view is that there should be specific allegations against each of the accused. Considering the same Criminal Application (APPA) No.346/2024 deserves to be allowed. Accordingly, I proceed to pass following order:

- i) In the event of arrest in connection with Crime No.147/2024 the appellants are released on ad-interim anticipatory bail on executing P.R. bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.
- ii) The appellants shall attend the concerned police station as and when required for the investigation purpose and shall co-operate with the investigating agency.

- iii) The appellants shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

CRIMINAL APPEAL NO.188/2024:

Heard.

2. Issue notice to the respondent No.2, returnable after two weeks.

3. Ms. H. N. Prabhu, learned APP waives service of notice on behalf of respondent No.1/State.

JUDGE