



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

CRIMINAL APPEAL NO.423 OF 2024

Sau. Usha w/o Ambadas Salokar,
Aged about 35 years, Occupation – Labour,
R/o Mana, Tah – Murtizapur,
District Akola

...APPELLANT

VERSUS

1. The State of Maharashtra,
through its P.S.O. Shivaji Nagar,
Tah. Khamgaon, District Buldhana
2. Abhishek s/o Sadashiv Ghope,
Aged about 29 years,
Occupation – Nil,
R/o. Pundlik Nagar, Ghatpuri,
Tah. Khamgaon, District Buldhana

...RESPONDENTS

Mr. A.N. Shinde, Advocate for the appellant.
Mrs. M.A. Barabde, APP for the State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : AUGUST 30, 2024.

ORAL JUDGMENT :

ADMIT. Heard finally with the consent of learned Counsel
for the parties.

2. This is an appeal under Section 14A of the Scheduled Caste
and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (hereinafter

referred to as 'the Atrocities Act' for short), the appellant has challenged the order dated 02/08/2024 whereby the Additional Sessions Judge, Khamgaon, District Buldhana rejected the anticipatory bail application of the appellant bearing Criminal Bail Application No.311/2024.

3. The accusation against the present appellant is on the basis of report lodged by Abhishek Sadashiv Bhope on an allegation that he is residing along with his family members at Pundalik Nagar, Ghatpuri, Taluka Khamgaon and earning his livelihood by driving the auto-rickshaw. The co-accused Gajanan Salokar is residing in his neighbourhood and there was previous dispute between him and his neighbour. On 10/07/2024 at about 5:30 PM he has witnessed his wife communicating with one Ambadas. At that time, there was hot exchange of words between him and Ambadas. On that count, said Ambadas Salokar and his wife Usha Ambadas Salokar i.e. the present appellant came near his house holding wooden logs and sword in their hand, he was abused in a filthy language and thereafter he was assaulted by the present appellant as well as the co-accused. The present appellant has assaulted him by means of wooden logs due to which he has sustained the grievous injuries.

4. Learned Counsel for the appellant submitted that as far as the role of the present appellant is concerned only general allegations is

made against her. The co-accused is already arrested. He submitted that the allegation against the present appellant is not as to the abuses on her caste, therefore, the provisions of Atrocities Act are not attracted, and therefore, bar under Section 18 of the Atrocities Act is also not attracted. He submitted that the custodial interrogation of the present appellant is not required. In view of that, she be protected by granting anticipatory bail.

5. Learned APP strongly opposed the appeal on the ground that the injured has sustained the grievous injuries. There is an amputation with multiple fractures. Even if the aspect of applicability of the Atrocities Act is kept aside then also the serious allegations are made against the appellant who has assaulted the injured by means of wooden logs which resulted into the grievous injuries. Considering the allegations against the present appellant, her custodial interrogation is required to recover the incriminating article. In view of that, the appeal deserves to be dismissed.

6. Though respondent No.2 is served, none appears for respondent No.2.

7. I have heard learned Counsel for both the parties. Perused the impugned order passed by the Additional Sessions Judge, Khamgaon

wherein Additional Sessions Judge has observed that the little finger of the informant is missing when he was taken to the hospital. Observation in the Medico-legal Case (MLC) also shows due to severe injuries his finger was amputated. The MLC report shows that the informant sustained multiple sharp edge lacerated wounds over his left hand palm. Nature of wound clearly suggests used of sharp edge weapon like sword as well as she sustained the blunt trauma and multiple injuries in the assault. I have also perused the recitals of the FIR as well as the other investigation papers from which it reveals that due to the trifling reasons the informant was assaulted by the present appellant as well as her husband and due to which he has lost his one finger and there are multiple injuries on the person of the injured. Thus, even it is considered that the provisions of the Atrocities Act are not applicable as there is no allegation that present appellant has abused the informant or his family members on their caste, then also the role attributed to the present appellant shows that not only the informant but the wife of the informant has also sustained the injuries in the said incident. Considering that present appellant to whom the vital role is assigned that she has assaulted by means of wooden logs and caused the injuries to the informant as well as his wife is sufficient to reject the prayer of anticipatory bail. Though custodial interrogation of the present appellant is not required but considering the manner in which the alleged incident

has taken place, the case is not made out to use the discretion in favour of the present appellant. In view of that, the appeal is devoid of merits and liable to be dismissed.

8. Hence, the appeal stands dismissed accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*