



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 139 OF 2025

Vinod Bhujangrao Pawar

.. Appellant

Versus

The State of Maharashtra and another .. Respondents

Ms. Poonam V. Bodke Patil, Advocate for the Appellant.

Shri S. M. Ganachari, A.P.P. for the Respondent No. 1.

Ms. Naseemabanu I. Shaikh, Advocate for the Respondent No. 2.

CORAM : SHAILESH P. BRAHME, J.

DATE : 08TH APRIL, 2025.

FINAL ORDER :

. This appeal is directed against order of rejection of anticipatory bail passed on 11.07.2022 in Criminal Bail Application No. 311 of 2021 by Special Judge, Jalna.

2. The appellant is shown to have involved in offence bearing Cr. No. 222/2019 registered with Gondi Police Station, Tq. Ambad, Dist. Jalna for the offences punishable U/Sec. 307, 327, 504, 506 r/w Sec. 34 of the Indian Penal Code and Sec. 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The informant alleged that appellant had lend money and which was returned with interest, but still he was demanding more money. On that count incident occurred on 16.06.2019. First information report was lodged and the

investigation was completed resulting into filing of charge sheet on 08.01.2022. In the mean time appellant had filed application for pre-arrest bail, it was rejected and he was required to file Criminal Appeal No. 713 of 2019. It was permitted to be withdrawn vide order dated 19.09.2019. Thereafter, by impugned order application for pre-arrest bail was rejected.

3. Learned counsel for the appellant submits that the dispute with the informant is settled and settlement pursis is filed on record. The respondent No. 2 does not have any objection for granting protection to the appellant. Besides that it is submitted that no prima facie offence is made out as there is nothing on record to show that casteist abuses are given by the appellant. The injuries are simple in nature. The deposition of eye witness is improvisation one.

4. Learned counsel appearing for the respondent No. 2 supports the submissions of the appellant.

5. Learned Assistant Public Prosecutor vehemently submits that appellant was all the while absconding. Entire machinery is being put in service at the instance of the respondent No. 2. Charge sheet is also filed. It is submitted that the matter needs to be decided on merits, notwithstanding the settlement between the parties. He would further submit that the conduct of the appellant is objectionable.

6. I have gone through the first information report, injury certificate, statements of the witnesses and the settlement pursis. Considering overall conspectus of the matter, I do not find that allegations are serious in nature or there was any intention on the part of the appellant to eliminate the informant. The dispute cropped up on money transaction and now it is settled.

7. Both counsel appearing for the appellant as well as the respondent No. 2 on instructions make statement that their clients propose to go for quashing of the proceedings also.

8. It is matter of record that police machinery was utilized, time is spent and matter was required to be investigated by the police. For the amount spent, time consumed and hardship caused to the investigating agency, the appellant needs to be saddled with the cost.

9. The impugned order is unsustainable, I, therefore, pass following order.

O R D E R

A. The criminal appeal is allowed by quashing order dated 11.07.2022 in Criminal Bail Application No. 311 of 2021 by Special Judge, Jalna by imposing cost on the appellant of Rs. 15,000/- (Rs. Fifteen thousands only) to be deposited with the Establishment Officer, Office of the Government Pleader, High

Court, Bench at Aurangabad within a period of four (04) weeks from today.

B. In the event of arrest of the appellant - Vinod Bhujangrao Pawar in furtherance of offence bearing Cr. No. 222/2019 registered with Gondli Police Station, Tq. Ambad, Dist. Jalna for the offences punishable U/Sec. 307, 327, 504, 506 r/w Sec. 34 of the Indian Penal Code and Sec. 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act appellant shall be released on bail on furnishing personal bond of Rs. 5,000/- (Rs. Five thousands only) with one solvent surety of like amount on condition that he shall cooperate with the investigating agency.

[SHAILESH P. BRAHME J.]

bsb/April 25