



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

CRIMINAL APPEAL NO. 1007 OF 2024

Krushna Yelappa Fulmali .. Appellant

Versus

The State of Maharashtra and others .. Respondents

Shri Narayan B. Narwade, Advocate for the Appellant.
Mrs. Chaitali Choudhari-Kutti, A.P.P. for the Respondent Nos. 1
and 2.
Shri H. P. Jadhav, Advocate for the Respondent No. 3
(appointed).

CORAM : SHAILESH P. BRAHME, J.
DATE : 18TH MARCH, 2025.

FINAL ORDER :

. This appeal is directed against order of rejection of pre-arrest bail in furtherance of Cr. No. 444/2024 registered with Sonai Police Station, Dist. Ahmednagar for the offence punishable U/Sec. 137(2), 115(2), 352, 351(2), 351(3), 189(2), 191(2), 191(3) and 190 of the Bharitya Nyaya Sanhita, 2023, U/Sec. 3/25 of the Arms Act and U/Sec. 3(1(r), 3(1)s), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. On 23.10.2024 first information report was lodged at the instance of the respondent No. 3 alleging that the present appellant dragged him in the car and forcibly taken to the

M.I.D.C. area. He was beaten up and threatened for not to enter in the village politics. It is further alleged that appellant threatened him with the pistol.

3. Learned counsel for the appellant submits that no offence is made out under the provisions of the Prevention of Atrocities Act. He would advert my attention to the first information report bearing Cr. No. 451/2024 registered on 26.10.2024 at the instance of Mr. Vinayak Khose against the respondent No. 3. In that case the incident occurred on 23.10.2024 at about 9.45. It was alleged that the respondent No. 3 intercepted the informant Vinayak and demanded money for liquor and snatched the amount from him. It is submitted that occurrence of the incidence in the present case is not possible. No serious allegations are made against the appellant so as to deny the pre-arrest bail. The learned Sessions Judge committed error of jurisdiction in rejecting the same.

4. Learned Assistant Public Prosecutor has filed affidavit in reply and tenders on record papers of investigation. She would submit that specific role has been attributed to the appellant. It is pointed out from the record that six offences are registered against the appellant, which are serious in nature. It is further submitted that there is no recovery of pistol and the car involved in the offence in question.

5. Learned counsel appointed by the Legal Services authority

for the respondent No. 3 adopts the submissions of the learned A. P. P.

6. I have gone through the report registered against the appellant as well as registered at the instance of Vinayak against the appellant. It appears from record that there are offences against the appellant. Those are serious in nature, but that cannot be the sole criteria to reject the pre-arrest bail.

7. F.I.R. registered against the appellant does not spell out any incriminating role so as to attract the offence U/Sec. 3(1)(r) and 3(1)(s) of the S. C. and S. T. Act. Considering the nature of allegations and the threats given by the appellant, I do not find that there would be any point and purpose in rejecting the pre-arrest bail. Ends of justice would be met if stringent conditions are imposed upon the appellant.

8. Submission of the learned counsel for the appellant that the incident in question is not probable, it can be decided during the course of trial. It is pointed out that there is eye witness, Vasant. I have gone through the statements, but that does not take the matter further.

9. Considering overall circumstances, I am inclined to confirm the interim protection granted in favour of the appellant. I, therefore, pass following order.

O R D E R

(i) Impugned judgment and order dated 11.11.2024 passed below Exhibit 01 by the learned Additional Sessions Judge, Newasa is quashed and set aside.

(ii) In the event of arrest of the appellant, the appellant shall be released on bail in furtherance of offence bearing Cr. No. 444/2024 registered with Sonai Police Station, Dist. Ahmednagar for the offence punishable U/Sec. 137(2), 115(2), 352, 351(2), 351(3), 189(2), 191(2), 191(3) and 190 of the Bharitya Nyaya Sanhita, 2023, U/Sec. 3/25 of the Arms Act and U/Sec. 3(1(r), 3(1)s), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act on following conditions :

- (a) The appellant shall be released on personal bond of Rs. 50,000/- (Rs. Fifty thousand only) with one solvent surety in like amount.
- (b) The appellant shall co-operate the investigating agency and report concern police station on every Monday between 10.00 am to 3.00 p.m.
- (c) He shall not in any way contact and tamper with the prosecution witnesses.
- (d) He shall not enter the vicinity of Lohgaon, Tq. Newasa, Dist. Ahilyanagar and he shall inform the

investigating officer about his whereabouts.

(iii) The criminal appeal is disposed of.

[SHAILESH P. BRAHME J.]

bsb/March 25