



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 CRIMINAL APPEAL NO. 1077 OF 2024

1. Gopinath Baburao Hagare
2. Kashinath Baburao Hagare

VERSUS

The State Of Maharashtra And Another

...

Mr. Shaikh Shoyab, Advocate for Appellant

Mr. S. B. Jadhav, APP for Respondents

WITH

CRIMINAL APPEAL NO. 926 OF 2024

1. Sadhu Bapu Jekate
2. Berudev Bhanudas Jekate

VERSUS

The State Of Maharashtra And Another

...

Mr. Shaikh Shoyab, Advocate for Appellant

Mr. S. B. Jadhav, APP for Respondents

Ms. Mansi Thorat, Advocate for Informant (appointed)

CORAM : R. M. JOSHI, J

DATE : JANUARY 29, 2025

COMMON ORDER :

1. Appellants apprehend arrest in connection with with C.R. No. 67/2024 registered with Ambi Police Station, Dist. Dharashiv for the offences punishable under Sections 143, 147, 149, 323, 324, 504, 506 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The gist of the FIR indicates that on 08.05.2024 brother of the Informant came to him intimating him about his wife eloped with someone. When the Informant and cousin brother were contemplating to lodge report, present Appellants along with co-accused entered house of the Informant and threatened them not to lodge report. There is also allegation about assaulting them with sticks and fist and kick blows, along with allegation that the some of the accused abused him over his caste.

3. Learned Counsel for the Appellants submit that the alleged incident has occurred on 08.05.2024 whereas the report is lodged on 16.05.2024. It is his submission that in fact from the Appellants' side report came to be lodged on 09.05.2024 and the present report is lodged by way of counterblast. He also argues that there is no specific allegation about which accused has abused the Informant over his caste.

4. Learned APP and learned Counsel for Informant opposed the Appeals by referring to provision of Section 18 of the Atrocities Act. It is contention of

learned Counsel for Informant that there are allegations against the Appellants about threatening the Informant who belongs to tribal community for preventing him from making complaint to the police. She also drew attention of the Court to the reference made in the FIR about abuses over the caste. It is further sought to be argued that the incident has occurred outside the house and therefore, it was in public view.

5. Section 18 would have application provided *prima facie* there is evidence to indicate commission of offence under the Atrocities Act. As far as present case is concerned, as per FIR itself the alleged incident has occurred inside the house of the Informant. Thus, it cannot be said that the offence has been committed in public view in order to attract the provisions of Atrocities Act. In this regard, reference can be made to the judgment of Hon'ble Supreme Court in case of Hitesh Verma Vs. The State Of Uttarakhand & Anr, [2020] 9 S.C.R. 593.

6. Apart from this, it is also pertinent to note that in the FIR it is not stated as to who has insulted Informant over his caste. Allegations in that regard

are totally vague. Pertinently, from the Appellants' side a report came to be lodged against the Informant and others on 09.05.2024. There is no explanation given by the Informant for not lodging report immediately and as such, the contention of the learned Counsel for the Appellants that this could be a case of counterblast to the report lodged by them becomes acceptable.

7. Appellants have no criminal history. They are not likely to flee. There is no misuse of liberty by them of interim relief. In view of above, appeals stand allowed by confirming interim order.

8. Fees of appointed Counsel is quantified at Rs. 10,000/- to be paid by High Court Legal Aid Services Sub-Committee, Aurangabad.

(R. M. JOSHI, J.)