

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 320 OF 2025**

HARISH
VITHAL
CHAUDHARI

Mr. Pradip Rajaram Narute And Anr. ...Appellants
Vs
State of Maharashtra and Anr. ...Respondents

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Mr Balwant V. Patole for the Appellants.
Adv. Komal Sinha for Respondent No. 2 Appointed Through
Legal Aid.
Dr. A. A. Takalkar, APP for the Respondent-State.

**CORAM : SHIVKUMAR DIGE, J.
DATE : 23rd SEPTEMBER 2025**

PC.:

1. The appellants are apprehending arrest in crime No.527 of 2024 registered with Jath Police Station, Dist- Sangli for the offences punishable under Sections 189(2), 191(2), 191(3), 103(2), 238 and 190 of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s) and 3(2)(V) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. It is prosecution's case that on 13th August, 2024, the husband of the first informant was assaulted by co-accused and appellants. In the said assault, the husband of the first informant had seriously injured and died. It is alleged that the appellants had brought weapons in their car at the incident

spot.

3. It is the contention of learned counsel for the appellants that the appellants have been falsely implicated in this case. The statement of the wife of accused no. 1 does not show that the appellants were present at incident spot at the time of incident. In the statement of the wife of accused no. 1, who is the eye witness of the incident has not stated the role of the appellants. Investigation is completed. Charg-esheet has been filed. Hence, requested to allow the Appeal.

4. It is contention of learned APP along with respondent No.2 that the appellants were present at the time of incident. They assaulted the deceased with other co-accused. The witnesses have specifically stated about the role of the appellants. Learned APP further submits that the statement of the wife of accused no. 1 was recorded on 18th August, 2024, has specifically stated that the appellants have brought weapons in their car and by using those weapons the deceased was assaulted by the co-accused. Under Section 18 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, anticipatory bail is not entitled. Hence, requested to dismiss the

appeal.

5. I have heard both learned counsel, perused the FIR and documents produced on record.

6. The allegations against the appellants are that they brought weapons in their car and by using those weapons the co-accused assaulted the deceased. Thereafter the appellants helped the co-accused to dispose of the dead body of the deceased. The witness Sunanda Kitture, wife of the accused no.1 is the eye witness to the incident. In her statement recorded on 18th August, 2024, it is specifically stated that the appellants had come their house in car and in the said car they brought iron rod, wooden stick and PUC pipe. Thereafter her husband and her brother-in-law picked up iron rod and PUC pipe and assaulted the deceased. Thereafter her supplementary statement was recorded on 25th September, 2024. In the said supplementary statement, she has not referred about role of the appellants and she has stated that her husband and her brother-in-law brought iron angle, pipe and wooden stick from their cattle shed. So there is discrepancy in the statement of eye witness about the role of the present appellants. Whether the

appellants were present at the incident spot or not, is a part of evidence. Considering the discrepancy in the statement of eye witness about the presence of the appellants, the appellants are entitled for anticipatory bail. Moreover, investigation is completed, charge-sheet has been filed. There are no allegations against the appellants about abuse on caste. Considering these facts, I pass following order :

ORDER

- (i) The appeal is allowed.
- (ii) In the event of arrest the appellants Pradip Rajaram Narute and Chinnu @ Shivaji Rajaram Narute be enlarged on bail in Crime No.527 of 2024 registered with Jath Police Station, Dist-Sangli, on executing P. R. Bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.
- (iii) The appellants shall attend the police station as and when required.
- (iv) The appellants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The appeal is allowed in the aforesaid terms and is accordingly disposed off.
8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.
9. All concerned to act on the authenticated copy of this order.

[SHIVKUMAR DIGE, J.]