

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPEAL NO. 937 OF 2023

Prakash Mahadevrao Bhosale And Anr. Appellants

Versus

The State of Maharashtra & Anr. Respondents

Mr. Sachin H. Deokar, Advocate for the Appellants.

Mr. P. P. Malshe, APP, for the Respondent – State.

Mr. C. N. Yadav a/w Mr. Sujeet Dubey, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th MAY, 2025.

P.C. :

1. Heard learned counsel for the Appellants, learned APP for the State and learned counsel for Respondent No.2.
2. Anticipatory Bail Application of the Appellants was rejected by the learned Additional Sessions Judge, Kolhapur.
3. The Appellants apprehends arrest in Crime No.368 of 2023 registered with Vadgaon Police Station, District: Kolhapur, for the offences punishable under Sections, 324, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 3(1)(r)(s) and 3(2)(va) of the Schedule Caste and Schedule Tribes (Prevention

of Atrocities) Act, 1989.

4. It is prosecution's case that on 11th June, 2023 at around 7:30 a.m. when first informant and his two friends were going to their field by tractor and they were ploughing their land, at that time the Appellants came there. It is alleged that the Appellant No.2 abused the first informant on cast and assaulted him with wooden rod. It is alleged that the Appellant No.1 abused the first informant and assaulted with fist and kick blows.

5. It is contention of learned counsel for the Appellants that the Appellants have falsely implicated in this case. The civil dispute is going between the first informant and Appellants' family. No incident was happened. Learned counsel further submitted that matter is settled out of the Court. The Appellants are on interim relief for two years. Charge sheet is filed against the Appellants, hence custodial interrogation of the Appellants are not required, and requested to allow the appeal.

6. Learned APP submitted that appropriate order be passed.

7. Learned counsel for the Respondent No.2, on instructions, submits that matter is settled out of the Court between the first informant and Appellants, hence requested to pass appropriate order.

8. I have heard all learned counsel. Perused the FIR and documents produced on record.

9. It is alleged that the Appellants abused and assaulted the first informant on the ground of land dispute. Charge sheet has been filed against the Appellants it indicates that investigation is completed. It is further submitted that matter has been settled out of the Court between the parties. The Appellants have been on interim relief for two years and they have co-operated with the investigation. Considering these facts, I pass following order.

ORDER

- i. The appeal is allowed.
- ii. In the event of arrest, the Appellants be released on bail in Crime No.368 of 2023 registered with Vadgaon Police Station, Kolhapur on executing P.R. Bond in the sum of Rs.50,000/- each with one or two sureties in the like amount.
- iii. The Appellants shall attend the concerned police station as and when required.
- iv. The Appellants shall not contact/influence or threaten or pressurize the complainant or otherwise

tamper with the prosecution witnesses.

10. The appeal is allowed in the aforesaid terms and conditions and is accordingly disposed off.

11. All the concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)