
(2022) 12 BOM CK 0104

Bombay High Court (Nagpur Bench)

Case No: Criminal Appeal No.736 Of 2022

Mangesh Anil Mali And
Others

APPELLANT

Vs

State Of Maharashtra
And Others

RESPONDENT

Date of Decision: Dec. 22, 2022

Acts Referred:

- Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 - Section 3(2)(va), 3(1)(r)(s), 14A
- Indian Penal Code, 1860 - Section 34, 324, 323, 326, 506

Citation: (2022) 12 BOM CK 0104

Hon'ble Judges: Anil S. Kilor, J

Bench: Single Bench

Advocate: A.D. Bhate, N.R. Rode, Rani Nitnaware

Final Decision: Allowed/Disposed Of

Judgement

Anil S. Kilor, J

1. Heard.

2. ADMIT.

3. The appellants has approached this Court by filing present appeal under Section 14-A of the Scheduled Castes & Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (for short "the Atrocities Act", for quashing and setting aside the impugned order dated 01.10.2022 passed by the Special

Judge, Khamgaon in Special Case No.77 of 2022 and for grant of bail in connection with Crime No.196 of 2022 registered with Police Station :

Pimpalgaon Raja, District : Buldhana, for the offence punishable under Sections 324, 323, 326, 506 read with Sections 34 of the Indian Penal Code and

Section 3(2) (va), 3(1)(r)(s) of the Atrocities Act.

4. In this crime, the allegations against the appellants are that, they abused the informant on his caste and assaulted him. One of the injuries on the

person of the informant, is grievous one, however, after going through the charge sheet it appears that there is no eye witness to the incident.

5. Furthermore, the appellants are in jail since last five months. Thus, considering the fact that the charge sheet has been filed coupled with the period

of incarceration of the appellants, I am of the opinion that as the further custody of the appellants is not necessary, they shall be released on bail.

6. The learned counsel for the respondent No.2 opposes the present appeal on the ground that the appellants and the informant are the resident of the

same village and if the appellants are released on bail, there is every possibility that they may pressurise the informant.

7. Considering the apprehension expressed by the learned counsel for the respondent no.2, I am of the opinion that it can be addressed by imposing

some stringent conditions. In the circumstances, though the learned APP and the learned counsel for the victim, are opposing the present appeal, I

pass the following order:

i) The Appeal is allowed.

ii) The impugned order dated 01.10.2022 passed by the Special Judge, Khamgaon, in Special Case No.77 of 2022, is hereby quashed and set aside.

iii) It is directed that the appellants shall be released on bail in Crime No.196 of 2022 registered with Police Station : Pimpalgaon Raja, District :

Buldhana, for the offence punishable under Sections 324, 323, 326, 506 read with Section 34 of the Indian Penal Code and Section 3(2)(va), 3(1)(r)(s)

of the Atrocities Act, on their furnishing P.R. Bond of Rs.25,000/- each with a solvent surety in the like amount for each of the appellants.

iv) The appellants shall attend the concerned Police Station on 1st day of every month in between 10.00 a.m. to 11.00 a.m., till culmination of trial.

v) The appellants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also

not tamper with the evidence.

vi) The appellants shall not enter into the territorial jurisdiction of village Kumbefal, Taluka : Khamgaon, District : Buldhana, till culmination of trial.

vii) Fees of the learned counsel for the respondent No.2/Victim, be quantified as per the Rules.

The appeal is accordingly disposed of.