

ITEM NO.11

COURT NO.9

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 3786/2023

(Arising out of impugned final judgment and order dated 01-03-2023 in CRLA No. 85/2022 passed by the High Court of Judicature at Bombay at Aurangabad)

SADASHIV

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

(IA No. 59323/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 59322/2023 - EXEMPTION FROM FILING O.T.)

Date : 24-04-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s)

Mr. Amol B. Karande, AOR
Mr. N Rao, Adv.
Mr. Akshay Mann, Adv.
Ms. Shireesh Tyagi, Adv.
Ms. Pranali, Adv.

For Respondent(s)

Mr. Abhikalp Pratap Singh, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The petitioner is apprehending his arrest in connection with Crime No.8 of 2022 registered with Soygaon Police Station, District Aurangabad Rural, Maharashtra, for the offences

punishable under Sections 143, 147, 149, 323, 504 of the Indian Penal Code, 1860 and Section 135 of the Maharashtra Police Act, 1951, and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

While issuing notice on 29.03.2023, this Court by way of interim relief, directed that no coercive action shall be taken against the petitioner in pursuance to the impugned First Information Report.

Since last more than one year, the State Government has not filed any counter affidavit to dispute the prayer in the special leave petition. As informed, *Challan* in the case has been filed before the competent Court. In absence of any reply by the State Government, considering the facts and circumstances of the case, we are of the considered opinion that the interim order passed earlier deserves to be made absolute.

In view of the above, we allow this special leave petition and direct that in the event of arrest, the petitioner shall be released on bail on furnishing suitable bail bonds and sureties and on such other terms and conditions as may be deemed fit

by the trial Court. We further direct that the petitioner shall join the investigation as and when required and co-operate.

It is made clear here that violation, if any, by the petitioner, may give a cause to take recourse as permissible and the trial Court is at liberty to do the needful.

Accordingly, and in view of the foregoing, this special leave petition stands allowed. Pending application(s), if any, shall stand disposed of.

(NIDHI AHUJA)
AR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)