



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 41 OF 2024

1. Jayashri Dadasaheb Ghorpade
2. Sangita Ashok Ghorpade
3. Kalpana Sopan Nirmal
4. Sonali Ravi Nirmal
5. Shravani Ganesh Nirmal
6. Somnath Vasant Nirmal
7. Snehal Ramakant Pawar
8. Popat Appasaheb Nirmal
9. Ashok Bhanudas Nirmal
10. Mina @ Minakshi Bhimraj Nirmal

...APPELLANTS

VERSUS

The State of Maharashtra & Others

...RESPONDENTS

WITH

CRIMINAL APPEAL NO. 21 OF 2024

1. Kailas Sonyabapu Ghorpade
2. Nitin Babasaheb Ghorpade
3. Dipak Raghunath Nirmal
4. Ramakant Bhausahab Pawar
5. Dadasaheb Babasaheb Ghorpade
6. Ashok Bhagwat Ghorpade
7. Ganesh Ashok Nirmal

...APPELLANTS

VERSUS

The State of Maharashtra & Others

...RESPONDENTS

WITH

CRIMINAL APPEAL NO. 22 OF 2024

1. Sunil Murlidhar Ghorpade
2. Shivnath Nevaji Ghorpade
3. Kailas Dhondiram Ghorpade
4. Nandu Govardhan Nirmal

...APPELLANTS

VERSUS

The State of Maharashtra & Others
WITH

...RESPONDENTS

CRIMINAL APPEAL NO. 23 OF 2024

1. Sagar Raosaheb More
2. Ganesh Suryabhan Nirmal
3. Surekha Shivnath Ghorpade

...APPELLANTS

VERSUS

The State of Maharashtra & Others
WITH

...RESPONDENTS

CRIMINAL APPEAL NO. 25 OF 2024

1. Arjun Vitthal Nirmal
2. Sunil Vitthal Nirmala
3. Ashish Chandrabhan Nirmal
4. Ravi Namdeo Ghorpade
5. Suraj Balasaheb Nirmal
6. Dipak Jalinder Nirmal

...APPELLANTS

VERSUS

The State of Maharashtra & Others
WITH

...RESPONDENTS

CRIMINAL APPEAL NO. 26 OF 2024

1. Anita Kailas Ghorpade
2. Mahesh Balasaheb Nirmal
3. Dipak Jagannath Ghorpade
4. Abhijit Bhimraj Nirmal
5. Nikhil Prakash Nirmal

...APPELLANTS

VERSUS

The State of Maharashtra & Others

...RESPONDENTS

WITH**CRIMINAL APPEAL NO. 7 OF 2024**

1. Jayshree Shivaji Kadam
2. Anita Sandip Ghorpade
3. Maya Kailas Ghorpade
4. Sarika Nitin Ghorpade
5. Namrata Dipak Nirmal
6. Kavita Balasaheb Nirmal

...APPELLANTS**VERSUS**

The State of Maharashtra & Another

...RESPONDENTS**WITH****CRIMINAL APPEAL NO. 8 OF 2024**

1. Rajendra Bhausahab @ Digambar Nirmal
2. Narayan Murlidhar Ghorpade
3. Shivaji Janardhan Kadam @ Sanjay Shivaji
Kadam (wrongly mentioned in FIR)
4. Sandip Vitthal Ghorpade
5. Yogesh Dyandeo Ghorpade
6. Umesh Changdeo Ghorpade
7. Sachin Uttamrao Nirmal

...APPELLANTS**VERSUS**

The State of Maharashtra & Another

...RESPONDENTS

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Mr. V.D. Hon, Senior Advocate i/by. Mr. A.V. Hon, Advocate for appellants in Criminal Appeal Nos. 41/2024, 21/2024, 22/2024, 23/2024, 25/2024, 26/2024.

Mr. S.S. Chapalgaonkar, Advocate for appellants in Criminal Appeals No. 7/2024 and 8/2024.

Mr. N.B. Patil, APP for respondent-State.

Ms. Sunita G. Sonawane, Advocate for informant.

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th MARCH, 2024

ORDER :

1. These appeals filed under section 14A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, take exception to the common order dated 21.12.2023, passed by learned Judge, Special Court, Kopergaon, below Exhibit-1 in Criminal Bail Application No. 489/2023.

2. Respondent No. 2 lodged FIR alleging that on 04.12.2023, there was exchange of words between informant's son Vishal Kolge and Datatraya Nirmal, resident of Nirmal Pimpri village. At Saikiran Hotel said dispute was settled by Somnath Ghorpade, Ravi Nirmal, Sunil Ghorpae and Karan Kolge. At that time, Somnath Ghorpade caught collar of informant's son and abused him. One waiter from the said hotel lodged complaint with the police about the said incident. Thereafter, Vishal Kolge-informant's son made a phone call to Deepak Nirmal and abused Somnath Ghorpade in filthy language. Said talk was recorded by Deepak Nirmal and he made it viral on villagers group. On 04.06.2023, there was quarrel on account of said audio clip, but it was settled. On 06.12.2023, at about 1.00 pm, employees of village panchayat i.e. Ravindra Nirmal and Ganesh Jadhav came

to the house of informant and told her that villagers have given them a message that they should leave the village with their household articles by 6.00 pm. Informant asked them to give the said message in writing. Thereafter, at about 6.30 pm, about 100 villagers including ladies came in front of informant's house. From the ladies, Latabai Nirmal and Vanita Ghorpade abused informant in the name of her caste. Vanita, Ghorpade, Shubham Ghorpade, Somnath Ghorpade entered in informant's house and they threw their household articles. Three bags of wheat are also thrown out of the house. Stones are pelted on informant's house and shade net of goat, behind the house of informant was set on fire.

3. Heard learned Senior Advocate for appellants in Appeal No. 41/2024, 21/2024, 22/2024, 23/2024, 25/2024, 26/2024, learned advocate for appellants in Appeal Nos. 7/2024 and 8/2024, learned APP for respondent-State and learned advocate for informant. Perused the record.

4. Appellants in these appeals belong to upper caste, but there are no allegations against them that they have abused informant in the name of her caste. Those allegations are only against Latabai Nirmal, Vanita, Ghorpade, Shubham Ghorpade

and Somnath Ghorpade

5. Learned advocate for informant submits that since sections 147, 148 and 149 of IPC are applied in the present case, all the accused persons are responsible for the act done by each member of unlawful assembly.

6. Taking into consideration the allegations made in the FIR and the papers of investigation it appears that there are vague and general allegations against appellants. Nothing is to recovered from them, hence, their pre-trial custodial detention is not necessary.

7. In the result, appeals are allowed by setting aside order dated 21.12.2023, passed by learned Judge, Special Court, Kopergaon, below Exhibit-1 in Criminal Bail Application No. 489/2023.

8. Interim protection granted to appellants is hereby confirmed.

9. Till filing of charge sheet, appellants shall attend the concerned police station, as and when called by investigating officer and shall co-operated in the investigation. Appellants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]

Bhagyawant Punde