



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 CRIMINAL APPEAL NO. 56 OF 2025

BALWANT ANANDA SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. Vishnu Kande h/f. Sanket S. Palnitkar
APP for Respondents/State : Ms. Ashlesha S. Deshmukh
Advocate for Respondent No.2 : Mr. S.D. Tekwad
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CORAM : Y.G. KHOBRAGADE, J.
DATE : 27.02.2025

PC.:-

1. Mr. Vishnu Kande, h/f. Advocate Mr. Sanket Palnitkar, the learned counsel appearing for the Appellant, made a statement that the arguing counsel was not feeling well and, hence, prayed for an adjournment. However, the said request was refused for want of a bona fide reason.

2. On the face of the record, it appears that the Appellant/accused has put forth prayer clauses B and C as follows:

“B] The Police of Naigaon Police Station, Dist. Nanded be directed to release the appellants on bail in the event of their arrest in connection with crime No.0071/2024 Dated-21/03/2024 registered in Naigaon Police Station Dist- Nanded for the offences punishable U/sec. 324, 223, 504, 506, 34 of the Indian Penal Code and u/s. 3(1)(r), 3(1)(s), 3(2)(va) of SC and ST (Prevention of Atrocities) Act.

C] Pending the hearing and final disposal of this Anticipatory Bail application, police of Naigaon Police Station, Dist. Nanded be directed to releasde the appellants on bail in the event of their arrest in connection with crime No.0071/2024 Dated- 21/03/2024 registered in Naigaon Police Station for the offences punishable U/sec. 324, 223, 504, 506, 34 of the Indian Penal Code and u/s. 3(1)(r), 3(1)(s), 3(2)(va) of SC and ST (Prevention of Atrocities) Act.”

3. On 10.01.2025, the Appellant/accused was arraigned in Crime No.0071/2024, registered with Naigaon Police Station, Dist. Nanded, on 21.03.2024 for offences punishable under Sections 323, 324, 504, 506 read with Section 34 of the I.P.C. and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short the SC-ST Act).

4. On 30.08.2024, this Court (Shivkumar Dighe, J.) passed an order in Criminal Appeal No.419/2024 and disposed of the appeal as withdrawn against the accused, Balwant Shinde (the present Appellant), and Avinash Shinde. However, the criminal appeal was allowed in respect of the accused Santosh Shinde, and he was released on anticipatory bail.

5. On 06.02.2025, this Court (Coram: R.M. Joshi, J.) passed the following order, which reads as under:

“1. Appellants apprehend arrest in connection with Crime No. 0071/2024 registered with Naigaon Police Station, District. Nanded for the offences punishable under Sections 324, 323, 504, 506 read with 34 of Indian Penal Code and under Sections 3(1)(r), 3(1)(s), 3(2)

(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. *After hearing learned counsel for the Appellant for some time, this Court finds that there is misuse of the order passed by this Court dated 25.10.2024 in Criminal Application No. 4435/2024. The said order indicates that in order to enable the appellant for TET examination, the liberty was protected till 11.11.2024 for the reason that there would be irreparable loss caused to him if he is unable to appear for the examination.*

3. *It was argued on behalf of the appellant that the appellant surrendered before the Investigating Officer on 07.11.2024 and he was released on bail.*

4. *This Court, prima facie finds that this is abuse of the order passed by the Court. The said order was not passed on merit of the case. The said discretion was exercised only with the view that the appellant is in a position to appear for the examination. In the circumstances, Investigating Officer to remain present before this Court on 12.02.2025.”*

6. Needless to say, subsequently, on 12.02.2025, this Court passed an order and accepted the apology of the Investigating Officer for not understanding the bail order.

7. As per the order dated 13.01.2025, interim anticipatory bail was granted to the Appellant, Avinash Balaji Shinde, in Criminal Appeal No.28/2025, considering that he was required to appear for an examination between 14.01.2025 and 18.01.2025. By said order the Appellant was directed to attend the concerned police station as and when required. On 6th February, 2025, the Appellant/accused, Balwant Ananda Shinde, was granted

ad-interim anticipatory bail just to enable him to appear for the TET examination. Thereafter, it is reported that, the Appellant is absconding and not traceable. Therefore, it appears that the cause of action in the present appeal does not survive, and, as such, vide order dated 30.08.2024, passed by this Court, the appeal claiming anticipatory bail in Crime No.71/2024 has already been disposed of in respect of the present Appellant. Therefore, present appeal is dismissed. The Investigating Officer can arrest the Appellant/accused.

[Y.G. KHOBRADE, J.]