



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 CRIMINAL APPEAL NO. 99 OF 2025

**ATISH BALASAHEB BANDGAR AND OTHERS
VERSUS
THE SUPERINTENDENT OF POLICE AND OTHERS**

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Advocate for the Appellant : Mr.P P More
APP for Respondent/State : Mr.Ashlesha S.Deshmukh
Advocate for Respondent No.3 : Mr. V.M.Vibhute

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CORAM : SHAILESH P. BRAHME, J.
DATE : 19th MARCH 2025

PER COURT :

1. Heard both sides.
2. This appeal is preferred against order dated 29.01.2025 passed by Additional Sessions Judge, Latur rejecting application for regular bail in furtherance of Crime No. 0014 of 2025 registered with Murud Police Station, Tq.& District Latur for offence under Sections 108,352,80,395) of Bhartiya Nyaya Sanhita, 2023 and 3(1)(r), 3(1)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)Act,1989.
3. The respondent No.3 reported on 17.01.2025 that her younger daughter Priti was got married with the appellant No.1 on 26.07.2024. That was love marriage. She was being harassed for demand of gold ornaments and four lacs rupees. On 12.01.2025,

informant received telephonic message that her daughter was unwell. She is succumbed on 12.01.2025.

4. Learned counsel Mr.More for the appellants submits that appellant No.1 is disabled. It was intercaste love marriage. The allegations to attract the offence under Section 3(1)(r), 3(1)(s) of the The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)Act,1989 is improbable. He would advert my attention to the Disability certificate. It is submitted that appellant No.1 is in the service of Central Government. The investigation is almost complete and appellant is behind the bar since 18.01.2025. Learned Judge committed apparent mistake in rejecting the application.

5. Learned APP would submit that there was a suicide note but it is not available as it is referred to analyzer. She would further submit that specific allegations have been levelled against the appellants in the First Information Report. The appellant No.1 is daily commuter by local in Mumbai and he is not entitled to any benefit of disability. She would support impugned order.

6. Learned counsel Mr.Vibhute appearing for the respondent No.3 also makes the submission on the same line that of learned APP. Additionally, he would submit that offence took place within period of six months of marriage. The investigation is incomplete. Under these circumstances, the appellant is not entitled to be enlargement on bail.

7. I have gone through first information report as well as impugned judgment and order. There is no dispute that appellant No.1 is in service. The Disability certificate dated 23.03.2015 indicates 100% permanent disability in relation to his both eyes. It was a love marriage which was contracted on 26.07.2024. Under peculiar circumstances, the deceased went to reside with the appellant. No case is made out to attract offence under Sections 3(1) (r), 3(1)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

8. It does not appear from record that the appellants are hardened criminals. Appellant No.1 is in service and is disabled person. They are behind bar for sufficient period. No further purpose would be served in rejecting their plea for regular bail.

9. I find that impugned judgment is unsustainable. I therefore pass following order :

ORDER

- a) Criminal Appeal is allowed.
- b) Impugned judgment and order dated 29.01.2025 below Exhibit-01 in Criminal Bail Application No. 52 of 2025 passed by Additional Sessions Judge, Latur is quashed and set-aside.
- c) The appellants namely Mr. Atish Balasaheb Bandgar,

Rupesh Balasaheb Bandgar and Mrs. Sangita Balasaheb Bandgar shall be released on bail on furnishing PR bond of Rs.20,000/- each with one solvent surety.

d) The appellants shall co-operate with the investigating agency and shall make themselves available for further investigation.

e) The appellants shall not tamper or contact the prosecution witnesses.

[SHAILESH P BRAHME, J.]

vsj..