



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

Criminal Appeal No. 112 Of 2025

1. Aman Asif Shaikh

Age : 22 years, Occupation – Labour,

2. Imam @ Pappu Altaf Kadari

Age : 28 years, Occupation – Labour,

R/o : Khandobachowk, Rahata,

Tal Rahata, Dist. Ahilyanagar.

.. Appellants

Versus

1. The State of Maharashtra

Through Police Station Officer

Rahata Police Station,

Tal Rahata, Dist. Ahmednagar.

2. Bharti @ Rajeshri Madan Taak

Age : 52 years, Occupation – Housewife,

Khandobachowk, Rahata,

Tal Rahata, Dist. Ahmednagar (Ahilyanagar).

.. Respondents

* **Mr. Rahul A. Tambe**, Advocate for the Appellants.

* **Mr. S.M. Ganachari**, APP for Respondent No.1.

* **Mr. U. A. Sayyed**, Advocate for the Respondent No.2 –
appointed by High Court.

CORAM : SHAILESH P. BRAHME, J.

DATE : 21st APRIL 2025

FINAL ORDER :

. Heard both sides.

2. Appellants are challenging common judgment and order dated 18.01.2025 passed below Exhibit – 11 in Special Case No.275/2024, refusing to enlarge them on bail. They are behind bar since 08.10.2024 in furtherance of offence bearing Cr. No.I-456/2024 dated 07.10.2024 registered with Rahata Police Station for the offence punishable under Sections 118(1), 115(2), 352, 352(2)(3), 189(2), 191(2), 191(3), 190 of the Bhartiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Learned Counsel for the Appellants submits that charge-sheet is filed on 06.12.2024 and their custody is not necessary. He would submit that allegations against them, are not serious in nature. The injuries of victim and Informant are not serious or grievous. On the ground of parity as co-accused Surayya Altaf Kadari was enlarged on bail, they are entitled to be enlarged on bail.

4. Learned APP tenders on record papers of investigation to oppose the bail. It is submitted that the incident in question took place on the main road in broad daylight on 06.10.2024. He would rely on the eye-witnesses – Nikita, Sunita, Nutan and Walmik. My attention is adverted to the injury certificates of Informant and her son.

5. Learned Counsel appearing for Respondent No.2 submits that there is strong motive for causing assault by the Appellants. It is

submitted that Appellants are influential persons and likely to pressurize the witnesses. It is submitted that previously also message was given by the Appellants for taking revenge.

6. Both the Appellants are alleged to have assaulted Informant and son – Mayur by wooden stick and iron rod respectively. They are also alleged to have abused and threatened the victim and the witnesses. First Information Report does not spell out hurling casteist abuses by the Appellants, either to the Informant or her son. Those allegations are attributable to co-accused Shaheen Shaikh. The injury certificate of the Informant and Mayur shows that Mayur had two simple injuries on hand and forearm and Informant had one injury over knee, non-vital part of the body.

7. I have gone through the statements of eye-witnesses – Nikita, Sunita, Nutan and Walmik. Those are in tune with F.I.R. Prima facie there is material to show that Appellants were present at the relevant time. However injuries are simple in nature on non-vital part of the body. Offences under the Prevention of Atrocities Act are not attracted.

8. The Appellants are behind bar since 08.10.2024. Charge-sheet has also been filed. I am of the considered view that further incarceration is not required. Though there was motive that itself would not be sufficient to deny bail to the Appellants. Paragraph Nos. 15 and 16 of the impugned order do not refer to the nature of

injuries. I find that impugned order is unsustainable. Therefore, I pass following order :

ORDER

A. The criminal appeal is allowed.

B. Impugned order dated 18.01.2025 passed by Special Court Rahata below Exhibit 11 in Spl. Case No.275 of 2024 is quashed and set aside.

C. Appellants (1) Aman Asif Shaikh and (2) Imam @ Pappu Altaf Kadari shall be released on bail in furtherance of offence bearing Cr. No.I-456/2024 dated 07.10.2024 registered with Rahata Police Station for the offence punishable under Sections 118(1), 115(2), 352, 352(2) (3), 189(2), 191(2), 191(3), 190 of the Bhartiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on their furnishing personal bonds of Rs.50,000/- (Rupees Fifty Thousands only) each with one solvent surety of like amount on following conditions :

- i) Appellants shall stay away from Rahata city till conclusion of trial, save and except attending the trial.
- ii) Appellants shall report their whereabouts to the Investigating Officer.
- iii) Appellants shall not tamper or contact with the prosecution witnesses.

D. For the assistance rendered by Mr. U.A. Sayyed, learned Counsel fees of Rs.5,000/- (Rs. Five thousands only) is quantified.

SHAILESH P. BRAHME
JUDGE

Nejeb.