



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

CRIMINAL APPEAL NO. 179 OF 2025

1. Siddharth Dasrao Chawre,
Age 35 years, Occupation Agriculture,
2. Shishod Bhimrao Chawre,
Age 37 years, Occupation Agriculture,
3. Sadanand Sunil Chawre
Age-38 years, Occupation-Agriculture,
All R/o. Sakhara, Taluka Sengaon,
District Hingoli

.. Appellants
(Original Accused)

Versus

1. The State of Maharashtra
Through Officer In charge
Police Station Sengaon,
District Hingoli
2. Superintendent of Police,
Hingoli, District Hingoli
3. Ashok Manik Ingle,
Age 34 years, Occupation Agriculture,
R/o. Sakhara, Taluka Sengaon,
District Hingoli

.. Respondents
(Respondent No.3/
Informant)

Mr. Shashikant E. Shekade, Advocate for Appellants;
Ms. Chaitali Choudhary Kutti, APP for Respondents No.1 and 2;
Mr. Amol G. Kale, Advocate for Respondent No.3

CORAM : KISHORE C. SANT, J.

DATE : 18-06-2025

PER COURT:-

1. Heard the learned counsel for the parties at length.

2. Present appellants have approached this Court challenging the order passed by the learned Additional Sessions Judge-2, Hingoli, in Criminal Bail Application No.58 of 2005, dated 17.02.2025, rejecting their application for bail in the event of arrest in Crime No.22 of 2025 dated 22.01.2025, registered with Police Station Sengaon, District Hingoli, for the offences punishable under Sections 352, 351(1), 191(3), 191(2), 190, 189(2), 119(1), 118(2), 118(1), 115(2) of the *Bharatiya Nyaya Sanhita, 2023* and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "Act of 1989").

3. Learned counsel for the appellants vehemently submits that no offence under the Act of 1989 can be lodged against the present appellants as they are also belonging to scheduled caste community. Only one of the accused Punjaji Gadade is belonging to open category. The provisions of Atrocities Act are mentioned in the First Information Report. He submits that there is political enmity between the parties. One Ashok, who was elected as a Sarpanch, was held to be disqualified at the instance of a complaint filed by appellant No.2 Shishod Bhimrao Chawre. Thus, on that count, there was dispute in the rival groups. Rahul Chawre, cousin of present appellants lodged the FIR on 22.01.2025 at around 4.00 p.m., whereas the present complaint is filed at 06.00 p.m. on the same day. The allegations are almost identical. This Court, by order dated 25.03.2025 in Anticipatory Bail

Applications No.449, 361, 366 of 2025, has already protected the persons from other group by recording no objection. It is also specifically observed that there are counter cases in the said order. It is submitted that in the present case also on the same grounds, present appellants are entitled for bail in the event of their arrest.

4. The learned A.P.P. for the State and the learned counsel for respondent No.3 opposed the appeal.

5. Learned A.P.P. submits that there are three independent witnesses, one who happens to be eyewitness. All these witnesses have clearly given statements about the incident. There is injury certificate showing that victim Ashok received three injuries, two of such injuries are caused by sharp object. She submits that when such material is there, the appellants do not deserve any protection.

6. Learned Advocate for respondent No.2 adopts the arguments of the learned A.P.P. He submits that the offence is serious one. There is political enmity and because of political enmity, appellants have committed the crime. He prayed for rejection of the appeal.

7. After hearing the parties, one thing is clearly seen that there is political rivalry between the parties. There are counter cases against each other. Though disputed by respondent No.2, this Court has already protected the members of the other group.

Looking to the nature of the allegations and the injuries, those are simple, this Court finds that appeal deserves to be allowed. Hence, the order;

ORDER

- i) Criminal Appeal stands allowed.
- ii) The impugned order passed by the learned Additional Sessions Judge-2, Hingoli, in Criminal Bail Application No.58 of 2005, dated 17.02.2025, stands quashed and set aside.
- iii) The appellants be released on bail in the event of their arrest in connection with Crime No.22 of 2025, registered with Police Station Sengaon, District Hingoli, for the offences punishable under Sections 352, 351(1), 191(3), 191(2), 190, 189(2), 119(1), 118(2), 118(1), 115(2) of the *Bharatiya Nyaya Sanhita, 2023* and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing P.R. bond in sum of Rs.25,000/- each, with one solvent surety in the like amount on the following conditions;
 - (a) They shall not contact any of the witnesses and the informant;
 - (b) Till filing of the chargesheet, appellants No.2 and 3 shall not enter the village Sakhara, Taluka Sengaon, District Hingoli;
 - (c) Appellant No.1 Siddharth Dasrao Chawre shall only attend the Grampanchayat Office and thereafter stay outside village;
 - (d) They shall give their mobile numbers and residential address to the concerned Investigating Officer / Police Station.
- iv) With the above, the Criminal Appeal stands disposed of.

[KISHORE C. SANT]
JUDGE