



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

CRIMINAL APPEAL NO. 240 OF 2025

1. Mauli Vinayak Mane
2. Narayan Namdeo Mane .. Appellants

Versus

The State of Maharashtra and others .. Respondents

Ms. Ashwini A. Lomte, Advocate for the Appellants.
Shri S. M. Ganachari, A.P.P. for the Respondent Nos. 1 and 2.
Shri Yogesh R. Shinde, Advocate for the Respondent No. 3.

CORAM : SHAILESH P. BRAHME, J.
DATE : 28TH APRIL, 2025.

FINAL ORDER :

. This criminal appeal is arising out of judgment and order dated 04.04.2025 passed in Criminal Bail Application No. 152 of 2025 by the Additional Sessions Judge, Ambajogai in respect of offence bearing Cr. No. 131/2025 dated 19.03.2025 registered with Police Station Ambajogai City, Dist. Beed for the offences punishable U/Sec. 119(1), 115(2), 352, 351(2), 351(3), 3(5) of the Bhartiya Nyaya Sahnita, 2023 and Sec. 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Initially, when notice was served on the respondent No. 3, nobody caused appearance, hence this Court appointed Mr. Sanket Shinde, learned counsel to represent the respondent No.

3. This Court was under impression that the respondent No. 3 is unable to engage a lawyer and, therefore, legal assistance was provided. Today Mr. Yogesh R. Shinde, learned advocate seeks permission to appear in the matter and file vakalatnama on behalf of the respondent No. 3. As the private party has engaged a lawyer, learned counsel Mr. Sanket Shinde, appointed by this Court is discharged. However, this conduct of the respondent No. 3 cannot be overlooked and has bearing over the merits of the matter.

3. Respondent No. 3 lodged report on 19.03.2025 that his son Krushna was abused and assaulted on 08.02.2025 at Hattikhana by the appellants and others on account of paying money for consuming liquor. His son was abused on caste, threatened and beaten by fist and blows. Even one of the appellants recorded video on his mobile. It is further alleged that Rs. 10,000/- and mobile were snatched from him. Lateron when matter was settled mobile was returned, but not the amount.

4. Learned counsel Ms. Ashwini Lomte appearing for the appellants submits that incident occurred on 08.02.2025. Both the appellants were arrested on 20.03.2025. FIR is lodged belatedly and it is after thought. She would submit that there is no serious injury caused to the victim Krushna. It is further submitted that offence has not been committed within public view. The prosecution theory of having committed robbery of Rs. 10,000/- is palpably improbable in the premise that the

informant was unable to engage a lawyer initially in this matter.

5. Per contra, learned Assistant Public Prosecutor tenders on record relevant papers. He would advert my attention to the statement of Krushna and the remand report. It is submitted that the role attributed to the appellant is clinching. Parties are residents of same village and it would be unsafe to enlarge them on bail. He would further submit that incident took place on gayran land. It is vehemently submitted that as the video clip was circulated in the social media, which would amount to humiliation of the informant and the victim. It is contended that it is serious offence and appeal is liable to be dismissed.

6. Learned counsel Mr. Yogesh Shinde for the respondent No. 3 supports learned A. P. P. and adopts his submissions. Additionally, he would submit that the appellants are from the same village. They are likely to threaten and tamper the informant and his family members.

7. I have considered rival submissions of the parties and also gone through the relevant record.

8. The prosecution theory is that informant's son was assaulted on 08.02.2025. He was abused on caste and an amount of Rs. 10,000/- and mobile was snatched from him. The statement of victim Krushna is on the line of first information report and reiterates facts of robbery of Rs. 10,000/- and mobile

phone. It has not come on record as to how victim Krushna was possessing Rs. 10,000/- on the day in question. Despite service of notice upon the informant he was unable to appear before this Court or engage a lawyer. This Court appointed a private counsel to represent him. Then the prosecution theory, prima facie appears to be improbable of having snatched Rs. 10,000/- from him.

9. Learned A. P. P. is unable to point out injury certificate of victim Krushna. First information report shows assault on the victim and he might have been referred for medical examination. In the absence of medico legal certificate, there is every room to infer that injuries are not serious in nature.

10. The first information report and the statements of the witnesses disclose that the incident took place at gayran land at Hattikhana. The material on record is not sufficient to disclose that the place of incident is within public view. At this juncture, it cannot be said that the offence took place within public view. It is alleged that video clip of the victim was made viral on social media. This sole incident, even if taken as it is, at this juncture cannot be an impediment to enlarge the appellants on bail. During the course of trial only, the video clip and making it viral or its repercussions can be gone into. Considering the material on record and the nature of the allegations, I am of the considered view that the appellants are entitled to be released on bail by imposing certain conditions. I,

therefore, pass following order.

O R D E R

A. The criminal appeal is allowed.

B. Impugned judgment and order dated 04.04.2025 passed in Criminal Bail Application No. 152 of 2025 by the Additional Sessions Judge, Ambajogai is quashed and set aside.

C. The appellants (1) Mauli Vinayak Mane and (2) Narayan Namdeo Mane shall be released on bail in connection with Cr. No. 131/2025 dated 19.03.2025 registered with Police Station Ambajogai City, Dist. Beed, on their furnishing personal bond of Rs. 20,000/- (Rs. Twenty thousands only) each with one solvent surety of like amount on following conditions.

(i) The appellants shall cooperate the investigating agency and shall not tamper the prosecution witnesses.

(ii) Both the appellants shall stay away from village Dastagirwadi, Tq. Ambajogai till filing of the charge sheet and shall intimate the investigating officer their whereabouts.

D. The criminal appeal is disposed of.

[SHAILESH P. BRAHME J.]

bsb/April 25