



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 258 OF 2025

PRAFUL VITTHALRAO SURYAWANSHI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Shri Kale Amol G., Advocate for the Appellant.

Ms. A.S. Mantri, APP for Respondent Nos.1 and 2/State.

Shri Jain Jitendra Shantilal (appointed), Advocate for Respondent No.3.

...

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 13 November 2025

P. C. :-

1. By this appeal, the appellant is praying for quashing and setting aside the impugned order dated 07.03.2025 passed by learned Additional Sessions Judge, Hingoli, in Criminal Bail Application No.52/2025 whereby, the said application preferred by the appellant for grant of anticipatory bail, was rejected.

2. The appellant seeks anticipatory bail in pursuance of Crime bearing FIR No.0351/2024 registered on 29.05.2024 with Hingoli City Police Station, District Hingoli for the offences punishable under Sections 25 and 4 of the Arms Act, 1959;

Sections 34, 452, 504 and 506 of the Indian Penal Code, 1860 and Sections 3(1)(s), 3(1)(r) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Atrocities Act'). The FIR came to be lodged at the behest of respondent No.3/ informant.

3. The informant alleged that on 20.05.2024 at about 11:30 pm in evening, when she along with her husband were sleeping at home, at that time, the accused persons, namely, Rohan Labde, Nikhil Dorle and Prafulla Suryawanshi (present appellant) came in front of the house and started abusing the informant and her husband on the ground why their son Rahul was not accompanying with accused persons. When the informant told that Rahul is not in house, the accused forcibly entered in house and they were possessing dangerous weapons like swords and they started searching for Rahul. They threatened them of dire consequences if Rahul fails to accompany them. On the basis of these allegations, the FIR came to be registered.

4. Learned advocate for the appellant submits that accused Nos.1 and 2 have been granted regular bail. The present appellant had been granted ad-interim protection by this Court

vide order dated 21.04.2025 and he has not misused the said liberty. During the course of investigation, the Investigating Officer has conducted investigation and filed the charge-sheet on 20.06.2025. Though the appellant was very much attending the Police Station as directed by this Court, still the Investigating Officer has filed the charge-sheet indicating that the appellant is absconding. Learned advocate submits that the appellant has very much attended the Police Station and he has also filed an application under the Right to Information Act, 2005, before the Police Station seeking CCTV footage since the prosecution has filed the reply in the instant appeal stating therein that the appellant has not attended the Police Station. According to learned advocate, the appellant has very much cooperated in investigation. Since investigation is over, no purpose would be achieved by arresting the appellant. He, therefore, prayed for confirming the interim order.

5. *Per contra*, learned APP as well as learned advocate for the informant have vehemently opposed the instant appeal. They have stated that there are seven criminal cases pending against the appellant. He is involved in serious offence and if he

is released on bail, he will threaten witnesses.

6. After having heard learned advocates for the respective parties and after going through material available on record including investigation papers made available to me, it is revealed that after this Court had granted interim protection, investigation is over and charge-sheet is filed on 30.06.2025. Therefore, custody of the appellant for the purpose of investigation is not required. It is submitted that the allegation against the appellant is at the most of brandishing the sword in the house of informant. There is no allegation of causing any injury or damage to the victims. Since the charge-sheet is already filed and there is no record to show that the appellant has misused interim protection granted by this Court, I am inclined to confirm the interim order.

7. In view of the aforesaid facts and circumstances, the instant appeal deserves to be allowed by granting anticipatory bail to the appellant on certain conditions. Hence, the following order:

ORDER

a) The Criminal Appeal stands allowed.

- b) The impugned order is quashed and set aside.
- c) In the event of arrest of the appellant in connection with Crime bearing FIR No.0351/2024 registered on 29.05.2024 with Hingoli City Police Station, District Hingoli for the offences punishable under Sections 25 and 4 of the Arms Act, 1959; Sections 34, 452, 504 and 506 of the Indian Penal Code, 1860 and Sections 3(1)(s), 3(1)(r) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, he shall be released on furnishing PR bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] with one solvent surety/ security in the like amount.
- d) The appellant shall attend the dates as are assigned by the Trial Court.
- e) The appellant shall not try to contact or pressurize the witnesses or the informant, in any manner whatsoever.
- f) The appellant shall not enter the territorial jurisdiction of Hingoli city till the conclusion of the trial. He shall give his residential address to the concerned Investigating Officer.

8. However, it is made clear that the observations made in this order are *prima facie* in nature for the purpose of adjudication of this appeal and the learned Trial Court shall not be influenced by the same.

9. Learned advocate for respondent No.3/ informant is appointed through Legal Aid. His fees shall be quantified and paid to him as per rules, by the High Court Legal Aid Services Sub-Committee, Bench at Aurangabad.

kps

(SUSHIL M. GHODESWAR, J.)