



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

CRIMINAL APPEAL NO. 267 OF 2025

ABUJAR LATIF RAJE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Appellant : Mr. Shaikh Mazhar A. Jahagirdar
APP for Respondent No.1 : Smt. M. N. Ghanekar
Advocate for Respondent No.2 : Mr. Rehan Khan (appointed)
...

CORAM : KISHORE C. SANT, J.

DATE : 01-07-2025

PER COURT:-

1. Heard the learned counsel for the parties.
2. This appeal is filed by the appellant/accused No.2 in the crime bearing F.I.R. No.0954 of 2024 dated 27.08.2024 registered with Kotwali Police Station, District Ahmednagar, for the offences punishable under Sections 119(1), 118(1), 352, 351(2), 3(5), 238 of the *Bharatiya Nyaya Sanhita, 2023* and Sections 4, 25 of the Arms Act and Sections 3(2)(va), 3(1)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 4 and 25 of the Arms Act, 1959.
3. The application for anticipatory bail of the appellant came to be rejected by the learned Additional Sessions Judge, Ahmednagar, by the order below Exhibit-10 in Special Case No.279 of 2024,

dated 11.02.2025, mainly on the ground that the offence is made out under the Atrocities Act and there is a bar under Section 18A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Mr. Jahagirdar, learned counsel for the appellant vehemently argued that against the present appellant only the allegation is that he was having a sickle in hand at the time of the alleged incident. Further allegation would show that the abuses are given in the name of caste in chorus. No specific name is mentioned as to who exact gave abuses in the name of caste. Only the role against present accused is that he was having one sickle (*koyata*) in his hand and beaten the informant not to raise shout. He submits that no serious role is attributed to the appellant. Learned trial Court, however, erred in rejecting the bail in the event of his arrest.

5. Learned A.P.P. vehemently opposed the application. She submits that there is subsequent crime registered against the present appellant which discloses the offence is serious in nature under the Protection of Children from Sexual Offences Act, wherein a specific role is attributed to the appellant. In the said incident the accused is granted *interim* protection by this Court. Surprisingly also, he is in jail in connection with other offences. She submits that there are various injuries on the person of the informant

showing that the weapon used in crime was hard and sharp. She submits that it is the criminal tendency of the appellant. She, therefore, prays for rejection of the appeal.

6. Learned counsel for respondent No.2 vehemently opposed the appeal. He submits that clearly a case is made out against the appellant. He relied on the judgment in the cases of (i) *Manju Devi vs. Onkarjit Singh Ahluwalia @ Omkarjeet Singh & Others*, 2017 AIR SCC 1583, and (ii) *Bachu Das vs. State of Bihar and others*, 2014 CriLJ 1828, in support of his case.

7. Having considered the allegations in the present case, it is found that the only allegation against present appellant is that he threatened of dire consequences by showing sickle (*koyata*). There is no utterance attributed to this appellant. The utterance are alleged in chorus which is not possible. The trial Court has failed to appreciate the case. This Court is inclined to allow the appeal. Hence, the order:-

ORDER

- i) The criminal appeal is allowed.
- ii) The impugned order below Exhibit-10 in Special Case No.279 of 2024, dated 11.02.2025, passed by the learned Additional Sessions Judge, Ahmednagar, is quashed and set aside.
- iii) The appellant be released on bail in the event of his arrest in connection with Crime bearing F.I.R. No.0954 of 2024 dated

27.08.2024 registered with Kotwali Police Station, District Ahmednagar, for the offences punishable under Sections 119(1), 118(1), 352, 351(2), 3(5), 238 of the *Bharatiya Nyaya Sanhita, 2023* and Sections 4, 25 of the Arms Act and Sections 3(2)(va), 3(1)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 4 and 25 of the Arms Act, 1959, on furnishing PR bond in the sum of Rs.25,000/- [Rupees Twenty Five Thousand Only] with one solvent surety in the like amount on the following conditions;

- (a) He shall not enter the village where the informant resides, except for attending the police station till filing of the chargesheet;
 - (b) He shall furnish their contact details, such as address and mobile numbers to the Investigating Officer;
 - (c) He shall not contact the informant and any of the prosecution witnesses;
 - (d) He shall attend the police station as and when called by the Investigating Officer;
 - (e) In case of breach of any condition, his bail bonds shall be liable to be cancelled.
- iv) Mr. Rehan Khan, learned counsel is appointed for respondent No.2 through the High Court Legal Services Sub Committee, Aurangabad. The Court appreciates his efforts. He shall be entitled to fees as per Rules.

[KISHORE C. SANT]
JUDGE