



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

44 CRIMINAL APPEAL NO. 279 OF 2025

RADHESHAM BANSI AMTE
VERSUS
THE STATE OF MAHARASHTRA

Mr. A.L. Kanade, Advocate for the appellant.
Ms. M.N. Ghanekar, APP for the respondent-State.
Mr. S.S. Ghodke, Advocate for respondent No.2.

CORAM : KISHORE C. SANT, J.
DATE : 14.07.2025

PC :-

01. Heard learned Advocates for the parties. This appeal is filed challenging an order passed by the learned Additional Sessions Judge, Beed, below Exh.1, in Criminal Bail Application No. 300 of 2025, thereby the learned Additional Sessions Judge dismissed the application.

02. The complainant/respondent No.2 lodged FIR with Pimpalner Police Station for the offences punishable under sections 115(2), 118 (2), 351(2), 352 of the Bhartiya Nyaya Sanhita and under sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. It is alleged in the FIR that the present appellant, who happens to be a rickshaw driver, gave a cut to daughter of the informant, when she was going by the road. The daughter told

this incident to the informant in the evening. Thereafter, the informant went to the house of the accused and asked him as to why he drove rickshaw in rash and negligent manner and why he did this to the daughter of the informant. It is alleged that at that the accused insulted and humiliated the informant in the name of his caste.

03. The appellant came to be arrested. His application seeking regular bail came to be rejected by order dated 08.04.2025 passed by the learned Sessions Judge, Beed.

04. Learned Advocate for the appellant vehemently submits that there is no case made out under the Atrocities Act. It is the informant's daughter who on her own went to the house of accused, where the incident allegedly taken place. He is falsely implicated in the offence. The appellant is in jail from 26.03.2025. While lodging the FIR, there is delay of two days. He submits that now the investigation is practically over. The charge-sheet is already filed. The custody of the appellant is no more required for that purpose of investigation. He prays for bail.

05. Learned APP submits that the offence is serious. If the appellant is released on bail, he shall try to pressurize the witnesses.

Learned APP points out from the injury certificate of the informant that there are six injuries received by the informant. One of the injuries is grievous. It is shown that there are various cases pending against the appellant. He is convicted for in one case bearing SCC No. 54 of 2018 by the learned JMFC. There are another 3-4 cases pending against the appellant. She thus submits that in the present case the appellant does not deserve any liberty.

06. Learned Advocate (appointed) for respondent No.2 also opposes the appeal. He submits that case is clearly made out against the appellant. He submits that the informant and the accused are residing in the same locality. If the appellant is released on bail, there is every possibility of threat to the life of the informant.

07. In the present case, this Court finds that the appellant is in jail since 26.03.2025 i.e. more than three months. Considering the same, this Court is inclined to allow the appeal. However, taking into consideration that there are other cases pending against the appellant and since the informant and the accused are residing in same locality, some conditions are required to be imposed. Hence, following order :-

ORDER

- (i) The Criminal Appeal is allowed.
- (ii) The order dated 08.04.2025 passed below Exh. 1 in Criminal Bail Application No. 300 of 2025 by learned Additional Sessions Judge, Beed is quashed and set aside.
- (iii) The appellant shall be released on bail in connection with Crime No. 62 of 2025, registered with Pimpalner Police Station, Dist. Beed for offences punishable under sections 115(2), 118 (2), 351(2), 352 of the Bhartiya Nyaya Sanhita and under sections 3(1)(r), 3(1)(s), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on executing PR bond of Rs. 25,000/- and solvent surety/security in the like amount.
- (iv) The appellant shall not enter Beed Taluka till the Trial is over, except for attending the Court, if required.
- (v) The appellant shall attend the concerned Police Station, as and when called for.
- (vi) The appellant shall not contact any of the witnesses in any manner.

- (vii) The appellant shall give his contact details such as residential address, mobile number etc. to the concerned Police Station.
- (viii) In case, the appellant is required any medical treatment in Beed Taluka, he shall make such application to the Trial Court and the Trial Court to decide such application on merits.
- (ix) Learned Advocate Mr. S.S. Ghodke is appointed for respondent No.2 through Legal Aid. This Court appreciates his efforts. He shall be entitled to fees as per rules.

[KISHORE C. SANT, J.]