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

34 CRIMINAL APPEAL NO. 283 OF 2025

SHIVAJI BANKATI YADAV AND OTHERS

....Appellants

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondents

Mr. S. J. Salunke, Advocate for the appellants

Mrs. Chaitali Choudhari-Kutti, APP for the respondents/State

Mrs. Nirmala Helkute, Advocate for the respondent No. 2
(appointed)

CORAM : KISHORE C. SANT, J.

DATE : 22nd JULY, 2025

P. C.

1. At the outset the learned advocate for the appellants informs that the accused No. 1 and 4 surrendered before the police as no interim protection was granted by this court and now they are released on regular bail. The appeal to their extent have thus become infructuous. The present appeal is to be considered now only for appellant Nos. 2,3,5 and 6 only.

2. Heard the learned advocate for the parties.

3. The appeal is by the original accused persons seeking bail in the event of their arrest in connection with Crime No.0112/2025, registered at Dharur Police Station, Dharur, on 06-04-2025 for the offences punishable under sections 189(2), 189(4), 191(2), 191(3), 190, 118(2), 118(1), 115(2), 352, 351(2), 351(3) of the BNS and sections 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(v) of the SC and ST (Prevention of Atrocities) Act.

4. It is alleged by respondent No. 2 that on 05-04-2025 at around 09.00 pm he had been to Doctor to call the Doctor as his wife was not well. It is alleged that the accused No.1 on that abused the informant in the name of caste and said that Doctor would not come to the people belonging to Scheduled Castes and asked to bring the wife to the hospital and assaulted him. When he went to the house, all the accused persons came in front of the house and called him from his house addressing him in the name of caste. After the informant came out of the house, the accused No.1 assaulted the informant by iron rod on the left hand. Since the wife and children of the informant came out of

the house to pacify the accused persons, accused No. 4 Digambar assaulted son Akshay with wooden stick. It is alleged that other accused persons assaulted the wife and son of the informant. On this, a complaint came to be lodged.

5. The present appellants apprehending arrest approached the learned Sessions Judge seeking bail in the event of their arrest. The said criminal bail application came to be rejected by an order dated 21-04-2025. The appellants have therefore, approached this court.

6. The learned advocate for the appellants submits that allegations are omnibus and vague against the present appellants. Only allegation is that they came in front of the house of the informant and called him by addressing him in the name of caste and after he came out of the house, the allegation is that all these persons assaulted the wife and son of the informant. He submits that no specific offence is made out against the present appellants. Abuses are stated to have been

given in chorus. About assault, there is no specific role attributed to any of the appellants. He, therefore, prays for allowing the appeal.

7. The learned APP vehemently opposed the appeal. She submits that apart from the statement of informant, there are statements including son and wife of the informant. One statement of Uttam is also recorded. She thus, submits that there is sufficient evidence available with the prosecution. Looking to the allegations offence is made out even under the provision of Atrocities Act and in that view bar under section 18 would come in to an operation, she submits that in view of the bar, the appeal cannot be allowed. She, thus, prays for dismissal of the appeal.

8. The learned advocate for respondent No. 2 (appointed) vehemently submits that offence is serious offence. For no fault of the informant, he was assaulted and was abused in the name of caste. She prays for dismissal of the appeal.

9. Having heard the parties and on going through the FIR, this court finds that there are specific allegations against appellant Nos. 1 and 4. However, to their extent appeal has become infructuous. So far as other accused Nos. 2,3,5 and 6 are concerned, this court finds that allegations are omnibus and vague. Abuses are given in chorus. About assaulting the informant, son and wife of the informant, there is no specific role attributed to any of the accused persons. Even looking to the FIR, the informant had been to the Doctor, where accused No. 1 abused him. There is nothing to indicate as to why other accused come to his home and called him and assaulted, when no motive is shown for the said incident. Prima-facie incident appears to be doubtful. There was no reason for the incident.

10. Considering above, prima-facie, this court finds that no offence is made out against present accused Nos. 2,3,5 and 6. The appeal, therefore, deserves to be allowed. Hence, the following order:

ORDER

a] The criminal appeal stands allowed to the extent of appellant Nos. 2,3,5 and 6.

b] The appellant Nos. 2,3,5 and 6 be released on bail in the event of their arrest in connection with Crime No.0112/2025, registered at Dharur Police Station, Dharur, on 06-04-2025 for the offences punishable under sections 189(2), 189(4), 191(2), 191(3), 190, 118(2), 118(1), 115(2), 352, 351(2), 351(3) of the BNS and sections 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(v) of the SC and ST (Prevention of Atrocities) Act, on executing PR bond of Rs.25,000/- [Rupees Twenty Five Thousand] each with one solvent surety in the like amount, on the following conditions.

i] They shall not enter in to the limits of the village Dharur till filing of the charge-sheet except for attending the police station.

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- ii] They shall not try to contact the informant or any of the prosecution witnesses. If they tried to contact, bail shall be liable to be cancelled.
- iii] They shall attend the police station as and when called by the Investigating Officer.
- c] The learned advocate for respondent No. 2 is appointed. She is entitled to receive fees as per Legal Aid Services Sub-Committee Rules.

[KISHORE C. SANT, J.]

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