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43-APEAL-326-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

43 CRIMINAL APPEAL NO. 326 OF 2025

Sudhakar Bapurao Gavande And Another ...Appellants
VERSUS
The State Of Maharashtra And Another ...Respondents
WITH
CRIMINAL APPEAL NO. 327 OF 2025

Aniket s/o. Shamrao Adkine and Ors. ...Appellants
Versus
The State of Maharashtra and Anr. ...Respondents

...

Mr. Swapnil Sunilkumar Dargad, Advocate for Appellants.
Smt. C. C. Kutti, APP for Respondent-State.
Mr, P. P. Tapse, Advocate for Respondent No.2.

CORAM : KISHORE C. SANT, J.

DATE : 16th JULY 2025

PC :-

1. Learned Advocate for the appellants, on instructions, seeks leave to withdraw the Appeal to the extent of appellant No.1-Sudhakar Bapurao Gavande, in Criminal Appeal No.326/2025.
2. Heard Mr. Dargad, the learned Advocate for the appellants, Ms. Kutti, learned APP for Respondent-State and Mr. Tapse, learned

Advocate for Respondent No.2.

3. By way of present criminal appeals, the appellants are seeking pre-arrest bail in the event of their arrest in connection with C.R. No. 181/2025 dated 28th March 2025, registered with Akhada Balapur Police Station, Dist. Hingoli, for the offences punishable under Sections 189(2), 296, 115(2), 351(2) of the Bharatiya Nyaya Sanhita, Section 135 of the Maharashtra Police Act and Sections 3(1)(r) 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

4. The case, in short, that the informant, who happens to be a civil engineer, had participated in the tender process for construction of cement concrete road in Dongarkheda village. Though he was eligible to participate, twice the tender process was cancelled when he had participated. In subsequent tender, the conditions which were not possible to be fulfilled were deliberately incorporated to see that he would not qualify in the tender process. The tender was thus given to one Sandeep Bangar. The informant, therefore, made a complaint to the authorities.

5. On receipt of complaint, the authorities decided to conduct an inquiry in the matter. A team of the officers visited the village. The informant and others were present. However, the contractor, Sarpanch and Gram-Sevak were not present. The informant, therefore, wanted this to be recorded in panchnama. It is alleged that on this the appellants, Sudhakar, Sanjay started quarreling and threatening the informant. They caught hold of the neck of the informant. It is alleged on that they abused him in the name of his caste. He was taken out of the office of gram panchayat. The accused Anikesh, Shivraj, Raju came there. They also assaulted with fists and blows and threatened him of dire consequences. The FIR was thus registered.

6. The appellants, apprehending arrest, approached the learned Sessions Judge seeking bail in the event of their arrest. The said applications came to be rejected by the learned Additional Sessions Judge, Hingoli vide order dated 29th April 2025. The appellants are, therefore, before this Court.

7. Mr. Dargad, the learned Advocate for the appellants, vehemently

argued that reading the FIR as it is, no offence is made out. It is clearly a case of dispute over getting contract for construction of road. The allegation of abuse in the name of caste is against Sudhakar and Shankar. These cannot be considered in chorus. Against appellants, Aniket, Shivaji and Raju, the only allegation is that they assaulted the informant. The offence is not serious. In fact, no ingredients of Sections under the Atrocities Act are attracted. He thus prays for allowing the appeals.

8. Ms. Kutti, the learned APP opposed the appeals. She submits that there are three injuries found on the person of the informant clearly showing that some incident has taken place. There are statements of three other persons showing that there were abuses given in the name of caste. She thus prays for rejection of the appeals.

9. Mr. Tapse, the learned Advocate for Respondent No.2 also vehemently opposed the appeals. He submits that it is clearly an attempt to see that the person belonging to Scheduled Caste does not get a tender and contract of the work. The first tender process was

deliberately cancelled. In subsequent tender process, conditions were deliberately imposed to see that the informant did not get a contract. He thus prays for rejection of the appeals.

10. This Court has seen the injury certificate. All the injuries are simple injuries. The statements of other witnesses do not show any direct involvement of the present appellants. It only shows that there was some incident in the gram panchayat office. The allegation of abuse in the name of caste are only against Sudharkar. His appeal is already withdrawn to his extent. About the other accused, this Court prima facie finds that there is no sufficient material to attract ingredients of offence under the Atrocities Act. This Court is, therefore, satisfied to allow the appeals. Hence, the following order:

ORDER

- (i) Criminal Appeals stand allowed.
- (ii) The impugned order dated 29th April 2025, passed by Additional Sessions Judge, Hingoli, in Criminal Bail Application Nos.152/2025 and 153/2025, rejecting application for regular

bail, is quashed and set aside.

(iii) In the event of their arrest in connection with C.R. No. 181/2025 registered with Akhada Balapur Police Station, for offences punishable under Sections 189(2), 296, 115(2), 351(2) of the Bharatiya Nyaya Sanhita, Section 135 of the Maharashtra Police Act and Sections 3(1)(r) 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, they shall be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- each, with one solvent surety/security in the like amount.

(iv) The appellants shall attend the concerned police station as and when called for and co-operate with the investigation.

(v) The appellants shall not tamper with the prosecution evidence and give threats to the first informant or any of the prosecution witnesses.

(vi) The appellants shall furnish their contact numbers and residential addresses to the investigating officer and shall keep

the information updated, in case there is any change.

(vii) It is made clear that, if any of the conditions are flouted, bail shall be liable to be cancelled.

(viii) With this, Criminal Appeals stand disposed off.

[KISHORE C. SANT, J.]