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

37 CRIMINAL APPEAL NO. 333 OF 2025

YOGESH VASANT BORSE AND OTHERS

....Appellants

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondents

Mr. S. P. Pandit, Advocate for the appellants

Mr. S. B. Jadhav, APP for the respondents/State

Mr. P. H. Patil, Advocate for respondent No.2

CORAM : KISHORE C. SANT, J.

DATE : 22nd JULY, 2025

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1. Heard the parties.

2. The appellants have approached this court seeking bail in the event of their arrest in connection with Crime No. 86/2025, registered at Amalnaer Police Station, Dist. Jalgaon on 04-03-2025, for the offences punishable under Sections 74, 117, 115, 351(2), 352, of the BNS and Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act.

3. In the FIR the incident stated is of 24-11-2024. It is alleged that informant and her mother have heard noise of some quarrel. The informant, her mother went to see the incident. On that persons staying on the backside of the house of the informant i.e. present appellants asked as to why brother of the informant always passing by their house. On that brother told that this is the common way to go to the village and he would use the same road. On that he alleged that present appellants assaulted the brother and mother of the informant and abused them in the name of caste. On this, FIR came to be registered. The appellants apprehending the arrest approached the learned Sessions Court. The learned Sessions Court rejected the application.

4. The learned advocate for the appellants vehemently argued that FIR is lodged almost after four months. There is no explanation given for such delay. In fact, it is the informant, her

brother and her mother who pelted the stones at the house of the present appellants and also abused. There are statements to show that in fact the informant abused the accused. Further he submits that the entire contents are concocted and imaginary. No offence as such is made out.

5. The learned APP opposed the appeal. He submits that mother of the informant received injuries. A certificate dated 29-11-2024 issued by the Medical Officer, Rural Hospital shows four injuries. The patient i.e. mother of the informant was referred to civil hospital, Dhule for further care. Brother Sandeep also received two injuries and was advise to go for orthopedic surgery and was referred to Civil Hospital, Dhule. He submits that in the incident serious injuries are caused.

6. The learned advocate for respondent No.2 opposed the appeal. He further submits that mother of the informant was not well and she was in the hospital and therefor, FIR was lodged after she recovered. He also prays for rejection.

7. This court has gone through the statements of the witnesses. There are statements of persons who have stated that the informant and her mother were going on motor cycle with her brother. While going on motor cycle they dashed with a tree and in that they fallen on the road and received injuries. It is seen in the video shooting of the said incident. Anita, Chandrashekhar, Himmat and Umesh who have stated before the police that it is the informant, her brother and mother who abused the present appellants in front of their house. They also pelted the stones towards house of the present appellants. Thereafter when they were going on the motorcycle, they fallen on the road wherein they received injuries.

8. This court finds that there is prima-facie reason to doubt the FIR and the incident. There are witnesses who have stated before the police that the informant, mother and brother received injuries in the accident on the motorcycle. This court finds that a case is not made out attracting the provision of

Atrocities Act. The appeal is therefore, allowed. Hence, the following order:

ORDER

- a] The criminal appeal stands allowed.
- b] The appellants be released on bail in the event of their arrest in connection with Crime No. 86/2025, registered at Amalnaer Police Station, Dist. Jalgaon on 04-03-2025, for the offences punishable under Sections 74, 117, 115, 351(2), 352, of the BNS and Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (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 Amalnaer Police Station 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 try to contact, bail shall be liable to be cancelled.

iii] They shall attend the police station as and when called by the Investigating Officer.

[KISHORE C. SANT, J.]

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