



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CRIMINAL APPEAL NO. 362 OF 2025

1. Dipak s/o Revan Kele,
 2. Ankush Revan Kele
- ...Appellants

Versus

1. The State of Maharashtra
 2. Pratap s/o Narsinh Kamble
- ...Respondents

...

Advocate for Appellants : Mr. Sushant B. Choudhari
APP for Respondent No.1/State : Mr. S. B. Jadhav
Advocate for Respondent No. 2 : Mr. V. S. Undre

...

CORAM : KISHORE C. SANT, J.

DATE : 12.06.2025

PER COURT :

1. Heard learned Advocate for the parties.
2. At the outset, the learned Advocate for the appellants seeks leave to withdraw the appeal to the extent of appellant No.1 on instructions. Leave granted. The appeal to the extent of appellant No.1 stands disposed of.
3. The learned Advocate for the appellant vehemently argued that

the F.I.R. is registered for the offence punishable under Sections 118(1), 115(2), 3(5), 324(4) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. He submits that the allegation against the present appellant is only that he caught hold the father of the informant. Thus there is no allegation attracting the ingredients of the offence under Atrocities Act. The other offences are bailable. The appellant No.2 therefore deserves to be released on bail.

4. Learned APP opposes the appeal. He submits that there are criminal antecedents against the present appellant No.2. There are eye witnesses who have specifically stated below. The injury certificate shows that the Pratap Narsinh Kamble has received total 5 injuries. Victim Narsinh also received two injuries. Looking to this fact, he prays for rejection of the appeal.

5. Learned Advocate for respondent No.2 vehemently opposes the appeal. He submits that the present appellant No.2 is involved in serious cases of this nature. Earlier there was complaint filed by one Pallavi Madhav Chothave for the offences punishable under Sections 354, 354-A, 354-B, 452, 457, 324, 504, 330, 506 read with 34 of the

Indian Penal Code. By pressurizing her and by giving threats he made her to compromise the matter. Said case ultimately came to be disposed of. Under such circumstances, the appellant does not deserve any sympathy of this Court.

6. On hearing the arguments, this Court finds that except the offence under Atrocities Act, other offences are bailable.

7. From reading of the complaint, it is seen that no ingredients of Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are made out. The allegations against accused No.2 does not show abusing complainant in the name of caste.

8. The learned Additional Sessions Judge has failed to appreciate that against the present accused No.2, there is no specific allegations attracting the ingredients under the Atrocities Act. Considering the above, this Court is inclined to allow this appeal. Hence, following order :

ORDER

(i) The Criminal Appeal of appellant No.2 stands allowed.

- (ii) The impugned order dated 16.05.2025 passed by the Additional Sessions Judge, Bhoom, Dist. Dharashiv is quashed and set aside.
- (iii) The appellant No.2 be released on bail in the event of arrest in connection with FIR No. 0146/2025 registered with Washi Police Station, Dist. Dharashiv for the offences punishable under Sections 118(1), 115(2), 3(5), 324(4) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989 on furnishing PR. bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with solvent surety in the like amount.
- (iv) The appellant No.2 shall not try to contact the informant and the witnesses. He shall co-operate in the investigation.
- (v) He shall furnish his residential address and mobile number with the concerned Investigating Officer/Police Station.
- (vi) He shall not enter into Kelewadi village till filing of the charge-sheet except for attending the Police Station or the Court.
- (vii) He shall remain present as and when called by the Investigating Officer.
- (viii) With this, the criminal appeal stands disposed of.

(KISHORE C. SANT)
JUDGE