



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

34 CRIMINAL APPEAL NO. 367 OF 2025

SHUBHAM SANTOSH KATKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. A.G. Kale, Advocate for the appellant.
Mr. R.B. Dhaware, APP for the respondent-State.
Mr. Aditya V. Waghmare, Advocate (appointed) for respondent No.3.

CORAM : KISHORE C. SANT, J.
DATE : 30.07.2025

PC :-

01. At the outset, learned Advocate for the appellant seeks leave to amend the prayer clause thereby inserting a prayer for quashing and setting aside the impugned order.

02. Leave granted. The amendment be carried out within one week.

03. Heard learned Advocate for the appellant, learned APP for the respondent-State and learned Advocate Mr. Waghmare appointed for respondent No.2. The appellant has approached this Court for quashing and setting aside the impugned order passed by the learned Additional Sessions Judge-2, Hingoli dated 30.01.2025, rejecting application seeking anticipatory bail filed by the present appellant in connection with Crime No. 373 of 2024, registered with Basamba Police Station, Dist. Hingoli for the offences punishable under sections 352, 351(1), 351(2),

119(1), 115(2), 3(5) of Bhartiya Nyaya Sanhita, 2003 and under section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

04. Respondent No.3 lodged FIR in the police station on 24.12.2024. It is alleged that on 22.12.2024 at around 8 p.m. present appellant along with others assaulted the informant in the night time in the field of one Mhaske. It is further alleged that this appellant also snatched amount of Rs. 15000/- from the pocket of the informant. On this, the appellant approached the learned Sessions Court, seeking bail in the event of arrest. However, said application came to be rejected and thus the appellant is before this Court.

05. Learned Advocate for the appellant vehemently argued that the complaint is lodged only to falsely implicate present appellant. There is no any overtact. No abuses are given in the name of caste. He submits that there is even no motive shown for committing the crime. He thus submits that clearly a case is made out to grant of bail in the event of his arrest.

06. Learned APP submits that there are injuries received by the informant. He was therefore taken to the hospital. He shows injury certificate.

07. Learned Advocate appointed for respondent No.2 also opposes the appeal. He submits that the appellant does not deserve any bail. He has committed offence only because the informant happens to

be belonging from the Scheduled Caste.

08. In the FIR the allegation is that one Abhijit Mhaske under the pretext of giving lift to the informant took him to his filed. There present appellant and other came on motorcycle and assaulted with kick and fist blows. There is further allegation of taking away an amount of Rs.15000/-.

09. This Court does not find that case under the provisions of Atrocities Act is made. By reading the FIR as it is, though there are allegations of assault and taking away an amount of Rs.15000/-, this Court does not find that it is a case where custody is required, when no prima facie offence as such is made out, invoking bar under section 18 of the Atrocities Act.

10. Considering above, following order :-

- i) The appeal is allowed.
- ii) The impugned order dated 30.01.2025 passed by the learned Additional Sessions Judge-2, Hingoli in Cri.Bail Application No. 4 of 2025 is quashed and set aside.
- iii) In the event of arrest, the appellant shall be released on anticipatory bail in connection with Crime No. 373 of 2024, registered with Basamba Police Station, Dist. Hingoli for the offences punishable under sections 352,

351(1), 351(2), 119(1), 115(2), 3(5) of Bhartiya Nyaya Sanhita, 2003 and under section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on furnishing PR Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with one solvent surety/security in the like amount.

- iv) The appellant shall not contact the prosecution witnesses or the informant. He shall furnish his contact details to the concerned police station and shall attend the police station as and when called by the Investigating Officer for the purpose of investigation.
- v) The learned Advocate appointed for respondent No.2 shall be paid his fees by High Court Legal Services Sub-Committee, Aurangabad as per rules.

[KISHORE C. SANT, J.]