



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

CRIMINAL APPEAL NO. 431 OF 2025

Ravinath @ Dhananjay Ramkrushna Barde .. Appellant

Versus

The State Of Maharashtra And Another .. Respondents

Mr. Sohail Subhedar, Advocate h/f Mr. Nilesh S. Ghanekar,
Advocate for the Appellant.

Mr. S. B. Jadhav, APP for Respondent No. 1.

Mr. M. V. Wankhade, Advocate for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATE : 25th AUGUST, 2025.

PER COURT :-

. Heard learned advocate Mr. Subhedar for the appellant,
learned A.P.P. for the State and learned advocate Mr. Wankhade for
respondent No. 2.

2. The present appeal is filed challenging an order passed by
the learned Special Judge thereby rejecting application for bail
filed by the present appellant by order dated 05.05.2025. At the
instance of respondent No. 2 an offence came to be registered on
02.12.2024 with Begampura Police Station for the offences

punishable under Sections 103, 109, 189(2), 190, 191(2), 191(3) of the Bhartiya Nyaya Sanhita (for short “B.N.S.”). Since the deceased happens to be a person belonging to Scheduled Caste, later on the Police also added the Sections 3(1)(r)(s), 3(2)(v) of the SC and ST (Prevention of Atrocities) Act (for short “Atrocities Act”). It is alleged in the FIR by the informant that, on 02.12.2024 he was with his friend Dinesh @ Babloo More. One Ganesh and Aniket called the deceased saying that they want to meet him. The neighboring persons namely Nitin and Ratnabai told the deceased not to come to home as some persons are looking for him. At around 04 - 4.30 the deceased received a call from someone asking him to come to ground opposite to Harsul jail. It was informed that they wanted to compromise. On that the informant with deceased and two others went to the said ground. It is alleged that, other accused persons Aniket Gaikwad, Ganesh Sonwane came on three motorcycles with other unknown persons. They were equipped with wooden log, cricket bat and iron rod. Ganesh and Aniket took the deceased aside and suddenly started assaulting him with irod rod. They also took out knives and assaulted him. It is alleged that 2-3 other unknown

persons also used wooden log and assaulted the deceased and ran away. On this, a complaint came to be lodged. Later on the statement of one Kailas Sotam came to be recorded. He in his statement stated that, in CCTV footage there is recording of some persons going on three motorcycles. The said were seized by the Police. In that footage the present appellant was seen. It is on this the present appellant came to be added as accused. The appellant thereafter filed an application seeking bail in the even of his arrest. The same came to be rejected.

3. The learned advocate for the appellant vehemently argued that, no case is made out implicating the present appellant in the offence. In the FIR itself there is no name stated of the appellant. It is only stated that 2-3 unknown persons were accompanying the accused Nos. 1 and 2. It is only on the basis of CCTV footage taken at some long distance the present appellant is added as accused. There is no direct evidence showing role of the present appellant. No ingredients of Atrocities Act are, in fact, attracted. Merely because the deceased happened to be a person belonging to Scheduled Caste, is no reason to attract the provisions of the Atrocities Act. He thus prays for allowing the appeal.

4. The learned A.P.P. vehemently opposes the appeal. He submits that, in the CCTV footage this appellant is clearly seen along with accused Nos. 1 and 2. Total 8-9 persons went to the spot where deceased was called. This clearly shows that everybody was present with common intention. With pre-plan deceased was called on the ground. Now, in the FIR, though it is against unknown persons, however, with the help of CCTV footage the role of the present appellant is also seen. The learned A.P.P. further submits that, the track record of mobile phone of the present appellant shows that at the time of incident he was present at the spot and this is one more circumstance to point out presence of the appellant at the spot. His mobile phone is yet to be seized. He thus prays for rejection of the appeal.

5. The learned advocate Mr. Wankhade for respondent No. 2 vehemently opposes the appeal. He submits that all the accused persons were together with common intention had gathered near the spot. A clear case is made out against the present appellant and he prays for rejection of the appeal.

6. This Court has gone through the statements in the charge-

sheet. From the charge-sheet what appears is that, the only material against the present appellant is that he was seen along with other accused persons on a motorcycle. Further circumstance as pointed out by the learned A.P.P. is that the mobile location shows that the appellant was present near the spot. The learned advocate Mr. Wankhade for respondent No. 2 pointed out statement of one Nandini, a niece of the deceased. From her statement what appears is that the deceased had called someone on the phone and on the phone he informed that the accused persons are responsible for his injuries. There is no clear circumstance indicating clear role of the present appellant. So far as case under the Atrocities Act is concerned, there is no allegation of abuses in the name of caste. There is also no statement showing that the deceased was assaulted because of his caste. On the contrary it is seen that, he was called under the pretext of settling the dispute amongst the main accused persons and himself. This Court, prima facie, finds that no ingredients of Atrocities Act are attracted. Bar under Section 18 of the Atrocities Act, prima facie, does not come in operation. Considering the above, following order :

ORDER

- (i) Criminal appeal stands allowed.
- (ii) The impugned order passed by the learned Sessions Judge is quashed and set aside.
- (iii) The appellant be released on bail in the event of his arrest in connection with Crime No. 310/2024 registered with Begumpura Police Station for the offences punishable under Sections 103, 109, 189(2), 190, 191(2), 191(3) of the B.N.S. and under Sections 3(1)(r)(s), 3(2)(v) of the Atrocities Act on furnishing PR. bond in the sum of Rs. 25,000/- with one solvent surety in the like amount on following conditions :
 - (a) The appellant shall keep himself away from the city of Aurangabad except for attending the Court and Police Station. He shall not try to contact informant and any of the witnesses and shall not try to pressurize them. He shall co-operate in the investigation. He shall remain present as and when called by the investigating officer.
 - (b) The appellant shall surrender the mobile phone with the

Police within 17 days from today.

(c) The appellant shall give his residential address, mobile number and other contact details with concerned I.O./Police Station till the trial is over.

(iv) Criminal appeal stands disposed of.

(KISHORE C. SANT, J.)

PS.B.