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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 CRIMINAL APPEAL NO. 601 OF 2025

BABLU ALIAS OMKAR RAMESH WAGH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

CRIMINAL APPEAL NO. 563 OF 2025

PAPPU ALIAS SANTOSH SAVALERAM WAGH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

CRIMINAL APPEAL NO. 452 OF 2025

MAYUR RAMDAS WAGH AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Mr.Sk.Mazhar A.J. and Mr.H.U.Dhage, Advocates for the appellants.

Mrs.U.S.Bhosale, APP for the respondent/State.

Mr.A.B.Chormal, Advocate for respondent No.2.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 3 NOVEMBER, 2025

PER COURT :

CRIMINAL APPEAL NO.601 OF 2025

1. Heard. As this Court shown its disinclination to grant bail in Criminal Appeal No.601/2025, upon instructions, the learned Advocate for the appellant seeks permission to withdraw this appeal.

Criminal Appeal No.601/2025 stands disposed of, as withdrawn.

CRIMINAL APPEAL NOS.563 OF 2025 AND
CRIMINAL APPEAL NO.452 OF 2025

2. The appellants in Cri.Appeal Nos. 563/2025 and 601/2025 are praying for grant of anticipatory bail in connection with Crime No.313/2025, registered with Shrirampur Taluka Police Station, wherein they were granted interim relief with certain conditions.

3. Crime No.313/2025 came to be registered on the basis of report lodged by one Rohidas Bhagwat Mali for the offence punishable under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Sections 119(1), 189(2), 191(2), 115(2), 352, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023. While taking treatment at Hospital, on 02.06.2025, he has given statement that on 30.05.2025, at about 10.00 a.m. he himself and his brother Ashok Subhash Salunkhe had gone to a brick kiln and had obtained an advance of Rs.25,000/- each from the owner of brick kiln Vikas Sonawane. Thereafter at about 9.30 p.m. when he was going to drop his cousin Subhash on his motorcycle at Gondegaon, at that time, the accused persons namely Babalu Ramesh

Wagh, Pappu Savleram Wagh, Kartik Gorakshanath Tanpure, Sanket Sopan Susare, Mayur Wagh, Kishor Wagh, all are r/o village Chitali, Tal.Rahata came there. Out of them, one Pappu Wagh started asking him about the whereabouts of his Pulsar Motorcycle, which according to him was stolen by him. On account of said quarrel, the accused persons alleged to have abused the informant with reference to his caste and assaulted them. Due to the said assault, the informant and his brother alleged to have sustained simple injuries. Therefore, the FIR came to be registered with Shrirampur Police Station, Dist.Ahilyanagar.

4. The learned Advocates for the appellants state that the incident took place between the accused persons and the victims on account of theft of motorcycle. The accused persons are not involved in abusing the informant by referring to their caste. It is further stated that the appellants are falsely implicated in the instant crime. It is further stated on behalf of the appellants that the appellants in both these appeals have been granted interim protection by this Court and they have not misused the said interim protection till date. As such, no prima facie case against the appellants is made out and therefore they

are praying for grant of anticipatory bail.

5. The learned APP would submit that the appellants are involved in serious crime. They alleged to have snatched Rs.50,000/- from the injured persons and the said amount is yet to be recovered. The investigation in this crime is going on and therefore they are not entitled to be released on anticipatory bail.

6. The learned Advocate for respondent No.2 has also reiterated the said submissions. He submits that the appellants are threatening the victims and therefore prays for dismissing the present appeals.

7. After going through the investigations papers, which are made available by the learned APP and the submissions of the respective learned advocates for the parties, it seems that the appellants alleged to have assaulted the victims and there are general allegations of assault against them. The allegations as regards the assault to victims on the basis of caste are referred only against Bablu. On going through the investigation papers, it reveals that the victims have

suffered injuries and there are statements also show that the appellants have snatched Rs.25,000/- each from both the victims. However, the investigation papers disclose that most of the investigation is completed and mere filing of charge sheet is remained. The appellants have been already granted ad-interim protection by this Court and they have not misused the protection since then. The said position is not disputed by the learned APP and the learned Advocate for the informant. However, the submissions made by the learned Advocate for respondent No.2 that the appellants are threatening the victims, can be taken care of by putting stringent conditions on the appellants.

8. Considering the above, Criminal Appeal Nos.563/2025 and 452/2025 are allowed in view of the following order :-

[a] Both the appeals are allowed.

[b] In the event of arrest of the appellants in criminal Appeal Nos.563/2025 and 452/2025 in connection with Crime No.313/2025, registered with Shrirampur Taluka Police Station for the offence punishable under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Sections 119(1), 189(2), 191(2), 115(2), 352, 351(2), 351(3) of the

Bharatiya Nyaya Sanhita, 2023, the appellants are directed to be released on bail on furnishing PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each with one solvent surety in the like amount.

[c] The appellants shall attend the concerned Police Station on every Monday at 11.30 am. They are further directed to co-operate with the investigation.

[d] The appellants shall furnish details of residential address and other contact details such as the mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately informed to the concerned police station.

[e] The appellants shall not enter village Chitali, Tal.Rahata, until filing of the charge sheet. The appellants shall not leave the jurisdiction of the Court without prior permission of the Court, until further orders.

[f] They shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

(SUSHIL M. GHODESWAR, J.)