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

CRIMINAL APPEAL NO.481 OF 2025

1. Riyaz s/o Hamid Sayyed,
Age: 40 years, Occ. Labour
R/o At Inamdar wada,
Rahuri, Tal. Rahuri,
Dist. Ahilyanagar

2. Hamid s/o Gulab Sayyed,
Age: 71 years, Occ. Labour,
R/o as above

....APPELLANTS

VERSUS

1. The State of Maharashtra,
thr. the Superintendent of Police,
Ahilyanagar

2. XYZ

....RESPONDENTS

.....

Mr Sandip R. Andhale, Advocate for Appellants
Mr S. B. Jadhav, APP for Respondent No.1/State
Ms Sarin Karishma S., Advocate for Respondent No.2

.....

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 24 SEPTEMBER 2025

P. C. :

1. By this criminal appeal, the appellants are praying for
quashing and setting aside the order dated 18/06/2025, passed by the
learned Additional Sessions Judge, Ahmednagar Dist. Ahmednagar, in

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Criminal Bail Application No.735/2025 whereby, the said application preferred by the appellants for grant of anticipatory bail was rejected.

2. The aforesaid anticipatory bail application was preferred in Crime bearing FIR No.0562/2025 registered on 10/05/2025 with Rahuri Police Station, Tq. Rahuri, District Ahmednagar for the offences punishable under Sections 74, 126(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(w)(i), 3(1)(r)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Atrocities Act'). The FIR came to be lodged at the behest of respondent No.2/ informant.

3. Through this appeal, the appellants are also praying for grant of anticipatory bail in the aforesaid crime.

4. The aforesaid Crime No.0562/2025 is registered on the basis of the report lodged by respondent No.2/informant, stating therein that she is having agricultural land dispute with the accused persons (appellants) and on 10/05/2025 at 6.00 pm, after completing labour work of sugarcane cultivation, when she was returning towards her home with her daughter, near the mountain road at Bargaon Nandur Shivar, the appellants obstructed their way and started abusing them by referring their caste. The appellants alleged to have pulled

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her hair. Thereafter, informant and her daughter reached their house at Bargaon Nandur and informed her husband about the incident and accordingly, approached to the Police Station and lodged the report. On the basis of said report, FIR came to be lodged against the appellants.

5. Heard learned Advocate Mr Andhale for the appellants, learned APP Mr Jadhav for respondent No.1/State and learned Advocate Ms Sarin for respondent No.2.

6. Learned Advocate for the appellants submits that, no alleged incident as regards commission of crime took place on the given date and spot and the appellants have not committed offence of abusing the informant. The entire FIR is false and the appellants are falsely implicated in the said crime. A longstanding dispute between complainant and appellants is pertaining to ownership and possession of land and due to said dispute, the informant has lodged false complaint against the appellants with malicious intention. This shows that respondent No.2/informant is deliberately making false allegations against the appellants in order to implicate them in a serious crime. He submits that investigation discloses that at the time of alleged incident, appellant No.1 was not present on the spot as he, alongwith his friend,

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had gone to market for purchasing. The CCTV footages of the incident clear the said issue of his non-availability on the spot and entire case is based on fabricated facts. He further submits that in relation to civil dispute between informant and the appellants, Civil Suit (Special Case) No.166/02020) is filed by the appellants against father-in-law of the informant. In the said suit, vide Exhibit-5, injunction application came to be allowed in favour of the appellants and therefore, in revengeful manner, the informant has filed the false complaint and since no prima facie case is made out against the appellants, he prays for grant of anticipatory bail to the appellants.

7. Per contra, learned APP appearing for respondent No.1/State strongly opposes the present appeal for anticipatory bail to the appellants. According to him, the offence committed by the appellants is very serious one. Statement of daughter of victim discloses that the appellants had abused her mother by referring their caste, and therefore, strong material is available against the appellants and therefore, he prays for rejection of the appeal.

8. Learned Advocate for respondent No.2 also argued at length and she tried to justify the order passed by the learned Additional Sessions Court, rejecting anticipatory bail application of

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the appellants. According to her, the incident took place in day light on the public road, and as such, prima facie case is made out against the appellants, and therefore she submits that the appellants are not entitled for grant of anticipatory bail. She further submits that, if they released on bail, they may threatened the prosecution witnesses and may tamper evidence. She, therefore, prays for rejection of the appeal.

9. After having heard the submissions made by the learned Advocates for the respective sides and having perused the investigation papers, it becomes clear that, at the time of incident, appellant No.1 had gone to Rahuri Malharwadi Road, Tq. Rahuri, Dist. Ahmednagar at one Vaishnavi Still Centre for purchasing utensils. Statement of said shop owner confirms the presence of appellant No.1 at the time of incident at his shop. The CCTV footages to that effect have been obtained by the Police and it was confirmed that he was not available at the spot of incident. Long standing civil dispute between appellants and the informant also shows that the FIR is filed by the informant in view of strained relations between them. In that view of the matter, it can be easily concluded that no prima facie case against the appellants is made out. Therefore, the appellants deserves to be granted anticipatory bail as the bar provided under provision of

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Section 18 of the Atrocities Act will not be applicable in view of the numerous judgments delivered by the Hon'ble Apex Court. Hence, I pass the following order :-

ORDER

- a) The Criminal Appeals stand allowed.
- b) The impugned order dated 18/06/2025, passed by the learned Additional Sessions Judge, Ahmednagar, District Ahmednagar, in Criminal Bail Application No.735/2025 is hereby quashed and set aside.
- c) In the event of arrest of the appellants in connection with Crime bearing FIR No.0562/2025 registered on 10/05/2025 with Rahuri Police Station, Tq. Rahuri, District Ahmednagar for the offences punishable under Sections 74, 126(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(w)(i), 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, they shall be released on furnishing PR bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] each, with one solvent surety/ security in the like amount.

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d) The appellants shall attend the concerned police station as and when called by the Investigating Officer.

e) The appellants shall not try to contact or pressurize the witnesses or the informant, in any manner whatsoever.

10. However, it is made clear that the observations made in this order are *prima facie* in nature for the purpose of adjudication of this appeal.

[SUSHIL M. GHODESWAR, J.]

sjk