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

934 CRIMINAL APPEAL NO. 484 OF 2025

01. Sandip s/o Kishanrao Gawande,
Age: 34 years, Occ. Agri,
R/o.: Dongarkada,
Tq. Kalamnuri, Dist. Hingoli.
 02. Shrikant s/o Sanjay Gawande,
Age: 21 years, Occ. Agri,
R/o.: Dongarkada,
Tq. Kalamnuri, Dist. Hingoli
- ...Appellants

VERSUS

1. The State of Maharashtra,
Through Investigating Officer,
Akhada Balapur Police Station,
Tq. Kalamnuri, Dist. Hingoli
 2. The Superintendent of Police,
Hingoli, Dist. Hingoli
 3. Balaji s/o Shankarrao Torkad,
Age: - 33 years, Occ. Driver,
R/o. Bhategaon, Tq. Kalamnuri,
Dist. Hingoli
-Respondents

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Mr Amol G. Kale, Advocate for Appellants

Mr G. O. Wattamwar, APP for Respondent Nos.1 & 2/State

Ms Smita Chole (Kendre), Advocate (appointed) for Respondent No.3

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 11 SEPTEMBER 2025

P. C. :

1. By this appeal, the appellants are praying for quashing and setting aside the order dated 18/06/2025, passed by the learned Additional Sessions Judge-1, Dist. Hingoli below Exhibit 01 in Criminal Bail Application No.212/2025, wherein the application filed by them praying for grant of anticipatory bail in connection with Crime No. 296/2025 registered with Akhada Balapur Police Station for the offence punishable under Sections 189(2), 191(2), 191(3), 190, 118(2), 118(1), 115(2), 352 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 came to be rejected. The appellants are further praying for grant of anticipatory bail to them in Crime No.296/2025.

2. Crime No.296/20525 came to be registered at Akhada Balapur Police Station, Dist. Hingoli on the basis of report lodged by complainant/respondent Nos.3, stating therein that he is working as a waiter at Ashwamegh Bar, which is belonging to one Dr. Vasant Rathod, situated at Dongarkada. On 10/05/2025, at about 7:30 p.m., when he was working at the said hotel, accused/appellant No.1/Sandip Kishanrao Gawande alongwith an unknown person came there and

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they consumed liquor. After consuming liquor, they were leaving the Bar without payment of bill. The Manager of the said Bar asked them to pay the bill. However, applicant No.1, instead of paying bill, asked the Manager to send someone with him for paying bill. Appellant No.1 gave his mobile phone with another waiter, namely, Ravi Rathod. Thereafter, at about 8:30 to 8:45 p.m., appellant Nos.1 and 2, alongwith some other accused persons came to hotel with weapons. Applicant No.1 started assaulting Ravi Rathod with fist and kicks blows. At that time, the informant and Manager of the Bar, namely, Parmeshwar tried to pacify the quarrel, however, appellant No.1 abused the informant by referring to his caste. The accused persons alleged to have slapped and assaulted him with fist and kicks blows. In the said quarrel, appellant No.1 alleged to have assaulted Sudhakar Uttam Jadhav by iron rod on his head and appellant No.2 alleged to have assaulted other victim, namely, Vikas Ulhas Jadhav by using wooden sticks on his head. The victims got injured and they were referred to Rural Hospital, Balapur for treatment. They were again referred to Nanded for further treatment. After taking the first aid, they have lodged the report on 11/05/2025. On the basis of said report, the Police registered Crime for the offences punishable under Sections 189(2), 191(2), 191(3), 190, 118(2), 118(1), 115(2), 352 of the

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Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r)(s), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.

3. Heard learned Advocates for the respective parties.

4. This Court, vide order dated 03/07/2025, while issuing notices to the Respondents, granted ad-interim protection to the extent of applicant No.2/Shrikant Sanjay Gawande only.

5. Learned Advocate for the appellants submits that the appellants are falsely implicated. In order to register offence under the Atrocities Act, the informant has falsely stated that abuses have been given by the appellants by referring to his caste. According to the learned Advocate for the appellant, the alleged offence did not take place in public view, and accordingly, prayed for grant of anticipatory bail to the present appellants.

6. Per contra, learned APP Mr Wattamwar and learned Counsel Ms Chole for respondent No.3/complainant have strongly opposed the application for grant of bail. Learned APP made available the investigation papers to this Court. He also stated that the appellant No.1 is absconding since long and the weapon used by him is required

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to be seized from him. Therefore, he states that the custodial interrogation of the appellants is necessary.

7. A perusal of the record and the investigation papers, discloses that injured Sudhakar Jadhav has sustained injury on frontal scalp by hard blunt weapon, amongst other various injuries. The investigation papers also disclosed the injuries to other victims. Appellant No.1 alleged to have assaulted to the victim by using iron rod, whereas as against appellant No.2, there is no serious aggravating role assigned to him.

8. Considering the above submissions and perusal of the record and investigation papers, since investigation is going on, the custodial interrogation of appellant No.1 in order to carry out further investigation. Since the incident is of serious nature, I am not inclined to grant anticipatory bail to appellant No.1/Sandip Kishanrao Gawande. At this moment, learned Advocate for the appellants seeks permission to withdraw appeal to the extent of appellant No.1. However, anticipatory bail can be granted to appellant No.2/Shrikant Sanjay Gawande, as he has not misused liberty after grant of interim protection by this Court. Hence, I pass the following order :-

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ORDER

- a) The Criminal Appeal stands partly allowed.
- b) Appeal for grant of anticipatory bail to the extent of appellant No.1/Sandip Kishanrao Gawande is hereby dismissed as withdrawn.
- c) The impugned order dated 18/06/2025 passed by the learned Additional Sessions Judge-1, Dist. Hingoli, in Criminal Bail Application No.212/2025, is quashed and set aside to the extent of appellant No.2.
- d) The appellant No.2 shall be released in the event of his arrest in connection with Crime No. 296/2025 registered with Akhada Balapur Police Station for the offence punishable under Sections 189(2), 191(2), 191(3), 190, 118(2), 118(1), 115(2), 352 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r)(s), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, on furnishing PR bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] with one solvent surety/ security in the like amount.
- e) Appellant No.2 shall attend the concerned police station as and when called by the Investigating Officer.

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f) Appellant No.2 shall not try to contact or pressurize the witnesses or the informant, in any manner whatsoever.

9. 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.

10. Fees of learned Advocate appointed to represent respondent No.3 is to be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules.

[SUSHIL M. GHODESWAR, J.]

sjk