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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.507 OF 2025

1. Lakhan @ Laxman s/o Kerba Gavate,
Age-28 years, Occu-Agriculturist,
 2. Appasaheb s/o Indrajit Gavate,
Age-34 years, Occu-Agriculturist,
 3. Thakaram @ Thakaji s/o Sukhadev Gaikwad,
Age-41 years, Occu-Agriculturist,
 4. Buvaji s/o Vilas Gavate,
Age-34 years, Occu-Agriculturist,
- All R/o Govindpur, Tq.Majalgaon,
Dist.Beed

-- APPELLANTS

VERSUS

1. The State of Maharashtra,
Through Police Station Majalgaon (Rural),
Dist.Beed
2. Dagdu s/o Rambhavu Awale,
Age-46 years, Occu-Agriculturist,
R/o Govindpur, Tq.Majalgaon,
Dist. Beed

-- RESPONDENTS

WITH
CRIMINAL APPEAL NO.527 OF 2025

Ram Kerba Gavate,
Age-32 years, Occu-Advocate,
R/o Govindpur, Tq.Majalgaon,
Dist : Beed

-- APPELLANTS

VERSUS

1. The State of Maharashtra,
Through Police Station Majalgaon (Rural),
Dist.Beed

2. Dagdu s/o Rambhavu Awale,
Age-46 years, Occu-Agriculturist,
R/o Govindpur, Tq.Majalgaon,
Dist. Beed

-- RESPONDENTS

Mr.Krushna S.Solanke h/f Mr.S.J.Naik, Advocate for the appellants.
Mr.G.O.Wattamwar, APP for the respondent/State.
Mr.Pandurang V.Shinde h/f Mr.S.G.Kawade, Advocate for respondent
No.2.

(CORAM : SUSHIL M. GHODESWAR, J.)

RESERVED ON : 8 OCTOBER, 2025
PRONOUNCED ON : 15 OCTOBER, 2025

PER COURT :

1. Since both these appeals are arising out of one Crime
No.227/2025, these appeals are being disposed of by way of common
order.

2. The appellants are seeking anticipatory bail in Crime
No.227/2025, registered with Majalgaon (Rural) Police Station, Dist.
Beed for the offence punishable u/s 352, 351(3), 351(2), 191(3),
191(2), 190, 189(2), 118(1), 115(2), 109 of the Bharatiya Nyaya

Sanhita, 2023 and u/s 3(2)(5), 3(1)(s), 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The said crime was registered on 20.06.2025. As per the informant, on 19.06.2025, at about 6.00 p.m., he alongwith his wife and daughter in law were returning home, at that time, the accused persons started pelting stones, bricks towards his home and they were asking his son Ram to come out of the house. When the informant asked them what has happened and Ram is not at home, they starting assaulting him. When his wife when came to his rescue, the accused Ram alleged to have abused her by referring to her caste and also assaulted her with an iron rod on her head. Due to the said assault on head, his wife fell down. When his daughter in law Sudarshana tried to rescue of his wife, at that time, accused Bhagyatrabai Gavate assaulted her with the help of gas pipe. The accused persons alleged to have abused them in filthy language with reference to their caste. The accused also alleged to have assaulted them with sticks. Accused No.1 Ram Kerba Gavate alleged to have threatened them saying that he is an Advocate by profession and if case is registered against him, he would not allow them to stay in the village. The wife and daughter in law of the informant came to be referred to Majalgaon Hospital. In view of the

serious injuries on the head of the wife of the informant, she was referred to the Government Hospital, Beed. On the basis of above statement, the appellants have registered crime.

3. After registration of the crime, since the offences under the Atrocity Act were involved, investigation in the crime came to be handed over to the Additional Police Superintendent, Ambejogai. Dist. Beed.

4. The Investigating Officer, during the investigation, has recorded the statements of witnesses and also collected the injury certificates. The injury certificates disclose simple injuries on the head of the wife of the informant. The injury certificate of daughter in law / victim discloses blunt trauma injuries. The investigating Officer has also recorded the statements of certain eye witnesses.

5. The learned Advocate for the appellants have stated that no *prima facie* case is made out against them. They have been falsely implicated in the instant crime. The alleged crime is nothing but the counter blast to the proceedings initiated by the appellants and the co-

accused against the informant and his relatives. The incident took place inside the house of the victim and as such same is not committed within the meaning of 'public view'.

6. Apart from this, the informant relied on the affidavits executed by the informant as well as the victims of the alleged crime stating therein that no quarrel took place between them, but due to some misunderstanding, the crime came to be lodged by the informant and the appellants also had lodged another crime against the son of the informant.

7. After the respected persons from the village intervened, both the parties decided to withdraw the complaints against each other and as such right now they are not having any grudge against each other as such. During the course of hearing, the informant as well as the victim of the crime were present and they have also orally submitted that they are not interested in prosecuting each other and they have no objection if the appellants are released on anticipatory bail.

8. In view of the above, the appeals are allowed in the following terms :-

- (i) The impugned order dated 05.07.2025 passed by the learned Special (Atrocity) Judge, Majalgaon, Beed below Exh.1 in Criminal Bail Application No 274/2025 is hereby quashed and set aside.
- (ii) In the event of arrest of the appellants in both these appeals, in connection with C.R. No. 227/2025 registered with Majalgaon Rural Police Station for the offences punishable u/s 352, 351(3), 351(2), 191(3), 191(2), 190, 189(2), 118(1), 115(2), 109 of the Bharatiya Nyaya Sanhita, 2023 and u/s 3(2)(5), 3(1)(s), 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellants are directed to be released on bail on their furnishing PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each with one surety in the like amount.
- (iii) The appellants in both the appeals shall attend the concerned Police Station on every Monday at 11.30 am, until the further orders and shall cooperate with the investigation.
- (iv) The Appellants in both the appeals 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.
- (v) The appellants shall not leave the jurisdiction of the competent Court without prior permission, until

further orders.

(vi) They shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

(SUSHIL M. GHODESWAR, J.)