



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

941 CRIMINAL APPEAL NO. 518 OF 2025

1. Shivam Rajeshlal Gurkhude,
2. Amrish Hanumanlal Gurkhude. ... Appellants

Versus

1. The State of Maharashtra,
through Investigating Officer,
Police Station Beed Rural.
2. Jaishree Shrikishan Athwale. ... Respondents

...

Mr. Shivaji Namdevrao Dudhate and Mr. Jagdish V. Deshpande,
Advocate for Appellants.

Mr. G. O. Wattamwar, APP for Respondent No.1-State.

Ms. Priyanka Jadhav, Advocate for Respondent No.2 (Appointed
Through Legal Aid) through V.C.

...

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 14th OCTOBER, 2025

P.C.:-

1. Heard learned counsel for the Appellants and the learned
APP for the respondent-State.

2. The Appellants has approached this Court apprehending
arrest in connection with Crime No.187 of 2025 dated 24th June 2025,
registered with Police Station Beed Rural, District Beed, for the
offences punishable under Sections 189(2), 191(2), 190, 352, 115(2),
118(1), 351(4) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(i)(r)
and 3(i)(s) of Schedule Caste and Scheduled Tribes (Prevention of

Atrocities) Act, 1989.

3. On the basis of the statement of the victim, Crime No.187 of 2025 dated 24th June 2025 came to be registered with Police Station Beed Rural, District Beed, for the aforesaid offences. As per the said statement, the incident had occurred on 21st June 2025 at around 9:00 p.m., when the Informant-Jayshree Athawale along with one Pandurang Jogdand were present in the agricultural field. At that time, Applicant No.1 – Shivam Gurkhude, along with four unknown persons, came there and a quarrel took place regarding a wooden cot. During the said quarrel, the Appellants allegedly abused the Informant by referring to her caste and assaulted the victim, due to which she sustained certain injuries. On the basis of the said incident, the above crime came to be registered and was thereafter handed over to the Sub-Divisional Police Officer (SDPO) for further investigation.

4. Learned Advocate for the Appellants states that the Appellants have been falsely implicated in the present crime and that no such offence, as alleged has been committed by them. It is submitted that there exists a property dispute between the Appellants and the victims. The owner of the victims had filed Regular Civil Suit No.294 of 2014 seeking an injunction against the Appellants and the appeal arising out of the said civil suit came to be dismissed. It is further submitted that since the orders were passed against the

Appellants, the said owner in collusion with the victims is now attempting to harass the Appellants by filing the present false case.

5. Learned Advocate for the Appellants further submits that the Appellants have been falsely implicated in the present crime and, as such, they are deserving of being enlarged on anticipatory bail.

6. Per contra, Mr. G. O. Wattamwar, learned APP for the Respondent-State submits that the investigation in the matter has been completed. The victims have sustained injuries and as per the injury certificates, the said injuries are simple in nature. The statements of the witnesses also disclose the commission of the offence by the Appellants. Therefore, a *prima-facie* case is made out against the Appellants and they are not entitled to be granted anticipatory bail. Accordingly, he prays for rejection of the present appeal. Ms. Priyanka Jadhav, learned Advocate appearing for Respondent No.2 through video conference, adopts the submissions advanced by the learned APP.

7. Having heard the learned Advocates for the respective parties and on perusal of the charge-sheet, it appears that the investigation in the present crime has been completed. The Appellants were granted ad-interim protection by this Court vide order dated 15th July 2025 and there is no allegation or submission regarding misuse of the liberty granted to them. Since the investigation is over and the charge-sheet has already been filed, there is no purpose in taking the Appellants into

custody, nor is there any requirement of custodial interrogation at this stage. Hence, I am inclined to confirm the ad-interim protection granted to the Appellants by this Court vide order dated 15th July 2025.

8. Hence, the appeal is allowed and following order is passed:

ORDER

- a] The Appellants shall be released on bail in the event of their arrest in connection with Crime No.187 of 2025 registered at Beed Rural Police Station, Dist. Beed for the offences punishable under Sections 189(2), 191(2), 190, 352, 115(2), 118(1), 351(4) of Bhartiya Nyaya Sanhita, 2023 and under sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act on furnishing PR bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] each with one surety in the like amount, on following conditions.
 - i. The Appellants shall not try to contact the informant, victim or any of the prosecution witnesses.
 - ii. The Appellants shall not enter into the limits of the Beed Rural Police Station, Dist. Beed except when called for.

- iii. The Appellants shall co-operate in the investigation.
- iv. The Appellants shall attend the concerned police station as and when called for.
- v. The Appellants shall give their residential address and mobile numbers to the concerned Investigating Officer/Police Station.

9. By order dated 16th September 2025, passed by this Court, learned Advocate, Ms. Priyanka Jadhav was appointed by this Court to represent the cause of Respondent No.2 in this matter. However, her fees remained to be quantified.

10. In view of the above, the fees of Ms. Priyanka Jadhav, learned Advocate appointed for Respondent No.2 in this matter be paid through the High Court Legal Services Sub-committee, Aurangabad as per rules.

(SUSHIL M. GHODESWAR, J.)