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

923 CRIMINAL APPEAL NO. 525 OF 2025

1. Nitesh Satvarao Kokre
 2. Kishanrao Satvrao Kokre
-APPELLANTS

VERSUS

1. The State of Maharashtra,
Through Officer In-charge,
Police Station Aakhada Balapur,
Dist. Hingoli
 2. Dadarao Raghoji Khandare
-RESPONDENTS

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Mr H. I. Pathan, Advocate for Appellants
Mr C. V. Bhadane, APP for Respondent No.1/State
Mr K. R. Yadav, Advocate h/f Mr R. G. Narwade, Advocate for
Respondent No.2

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 3rd DECEMBER 2025

P. C. :

1. By this criminal appeal, the appellants are praying for quashing and setting aside the order dated 04/07/2025, passed below Exhibit 01 in Criminal Bail Application No.277/2025 by the learned Additional Sessions Judge-1, Hingoli, Dist. Hingoli, whereby, the said application preferred by the appellants for grant of anticipatory bail was rejected. Through this appeal, the appellants are also praying for grant of anticipatory.

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2. The aforesaid anticipatory bail application was preferred in Crime bearing FIR No.0380/2025 registered on 12/06/2025 with Aakhada Balapur Police Station, District Hingoli for the offences punishable under Sections 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) 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. The aforesaid Crime No. is registered on the basis of the report lodged by respondent No.2/informant, stating therein that since the funds were sanctioned for the purpose of construction for the development of area belonging to the backward category community and the work was to be carried out. However, the same construction was not carried out, and therefore, certain villagers had applied to Panchayat Samiti office, Kalamnuri for inquiry. In pursuance to the said complaint, office bearers of the Panchayat Samiti had been to his village for inquiry on 11/06/2025 at 2:15 p.m. When Block Development Officer Balaji Gore, Extension Officer Vishal Paikrao and Gramsevak Baban Pote came to their village and were inquiring, at that time, the accused persons were also present there. When

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inquiry was going on, at that time, the dispute arose between the parties as regards the carrying out the construction work. On account of said quarrel, the appellants alleged to have abused the informant by referring to his caste. Vide the said allegations, it was informed that the appellants abused the informant and the members of backward community and said that the members belonging to the scheduled castes category do not deserve the facilities of roads and lights. On the same count, there took fight between the appellants and the victims. The appellants have been alleged to have assaulted the informant by fist and kicks blows and also alleged to have threatened him. On account of said dispute, report is lodged and crime bearing Crime No.0380/2025 came to be registered with the Aakhada Balapur Police Station for the offence punishable under Sections 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The victims suffered simple injuries and were referred to hospital.

4. Heard learned Advocate Mr Pathan for appellants, learned APP Mr Bhadane for State and learned Advocate Mr Yadav, holding for Advocate Mr Narwade for respondent No.2/informant.

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5. Learned Advocate Mr Pathan for the appellants submits that, the appellants have not committed offence of abusing the informant and the entire FIR is false and they are falsely implicated in the said crime due to rivalry between the villagers. He then submits that the appellants are not involved in the present crime. They have not assaulted the victim. He further submits that there is delay in lodging the FIR. The said alleged incident has been recorded in a mobile of the member of inquiry committee and certificate under Section 63 of the Bharatiya Sakshya Adhiniyam (BSA), 2023 of recording of the same incident in the said mobile discloses that, no such alleged incident has been taken place which shows that respondent No.2/informant is deliberately making false allegations against the appellants in order to implicate them in a serious crime. He, therefore, prays for allowing the present appeal by enlarging the appellants on anticipatory bail.

6. Per contra, learned APP appearing for respondent No.1/State strongly opposes the present appeal for grant of anticipatory bail to the appellants. According to him, the offence committed by the appellants is very serious one and strong material is available against them. He then submits that, as investigation in this crime is in progress and as the appellants have approached this Court

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at the very pre-matured stage, they may not be granted anticipatory bail. He further submits that, if the appellants are enlarged on anticipatory bail, there is possibility of tampering with the prosecution witnesses by the appellants. Thus, he prays for rejection of the appeal.

7. Learned Advocate for respondent No.2 also argued at length and tried to justify the order passed by the learned Additional Sessions Court, rejecting anticipatory bail application of the appellants. He submits that the victim has suffered injuries in the assault by the appellants and the informant is humiliated at the public place, which is within the meaning of public view. He further submits that the appellants are influential persons of the village and if they released on bail, they may threaten the informant as well as to the prosecution witnesses and may tamper evidence and thus, there may be law and order situation in the village. Thus, according to him, *prima facie* case is made out against the appellants, and therefore, he submits that the appellants are not entitled for grant of anticipatory bail. He, therefore, prays for rejection of the appeal.

8. After hearing the submissions advanced by the learned Advocate for the respective sides and going through the investigation papers made available to this Court, it is clear that the incident in

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question took place on account of inquiry as regards development work carried out in the area belonging to the scheduled tribe community area in respect of whether work of erecting electric poles is carried out or not. The appellants alleged to have abused the informant by referring to his caste and assaulted him. Be that as it may. Most of the investigation is over and mere filing of charge-sheet is remained. Moreover, the appellants who have been granted ad interim protection by this Court by order dated 16/07/2025, have duly cooperated with the investigation and have not misused the liberty granted by this Court to them.

9. In that view of the matter, I am of the opinion that the appellants deserve to be granted anticipatory bail. Hence, I pass the following order :-

ORDER

- a) The Criminal Appeal stands allowed.
- b) The impugned order dated 04/07/2025, passed below Exhibit 01 in Criminal Bail Application No.277/2025 by the learned Additional Sessions Judge-1, Hingoli, Dist. Hingoli is hereby quashed and set aside.

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c) Interim protection granted to the appellants by this Court vide order dated 16/07/2025, is hereby confirmed.

d) In the event of arrest of the appellants in connection with Crime bearing FIR No.0380/2025 registered on 12/06/2025 with Aakhada Balapur Police Station, District Hingoli for the offences punishable under Sections 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, they be released on bail on furnishing PR bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] each, with one solvent surety/ security in the like amount.

e) Appellants shall not enter in village Baur, Tq. Kalamnuri, Dist. Hingoli, till the filing of charge-sheet. However, they shall attend the concerned police station as and when called by the Investigating Officer.

f) Appellants shall not try to contact or pressurize the witnesses or the informant, in any manner whatsoever. They shall not interfere with the evidence of the prosecution.

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g) Appellants shall cooperate with the trial Court and shall attend each and every date, unless exempted by the trial Court.

h) Appellants shall place on record of the trial Court the details of their contact numbers and residential addresses with updates in case of any change.

i) Appellants shall not commit any crime during their bail period.

10. It is made clear that, in case of violation of any of the aforesaid conditions, the bail granted to the appellants shall be liable to be cancelled.

11. 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