



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 541 OF 2025

DYANDEO @ DNYANESHWAR POPAT BHAGAT
AND
YOGESH SUNIL BHAGAT

VERSUS

THE STATE OF MAHARASHTRA AND
RAJENDRA HIRAMAN NIKAM

...
Shri Ostwal Abhaykumar Dilip, Advocate for the Appellants.
Mrs. Anuradha S. Mantri, APP for Respondent No.1/ State.
Shri Ajit B. Chormal, Advocate for Respondent No.2.
...

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 27 November 2025

P. C. :-

1. By this appeal, the appellants seek anticipatory bail in connection with FIR bearing Crime No.0349/2025 dated 14.06.2025 registered with Ahilyanagar (Ahmednagar) Camp Police Station, District Ahmednagar, for offences punishable under Sections 118(1), 115(2), 351(2), 351(3), 352, 324(4), 189(2), 191(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s) and 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. The appellants also

challenge the order dated 01.07.2025 passed by learned Additional Sessions Judge, Ahmednagar, rejecting their Criminal Bail Application No.930/2025 for anticipatory bail.

2. The aforesaid Crime No.0349/2025 is registered on the basis of the report lodged by respondent No.2/ informant stating therein that he is running grocery shop in tin shed named and styled as Bhairav Kirana Shop abutting to Pimpalgaon Ujjaini Road, Kapurwadi and in the said shop, he has taken electricity meter. It is alleged that on 13.06.2025 at around 09:30 am in morning, when the informant was sitting on chair in his shop, at that time upper side of Hyva Truck, which was passing from that road, came in contact with electric cable and due to which, the said cable was broken and the electricity meter of the informant was disengaged. Noting this, the driver of Hyva truck got down and there was verbal exchange between the driver and informant. The said driver called owner of the truck. After sometime, one Scorpio vehicle arrived there and accused No.1 (Anil Popat Bhagat) and accused No.2 (Popat Bhagat) alighted from Scorpio vehicle and again quarrel took place and during that quarrel, accused Anil slapped the informant by abusing him in his caste and accused Anil dragged the informant out of his shop. At that time, family members of the informant tried to

rescue the informant. However, Anil called somebody on phone and after some time, accused persons, namely, Dnyandeo Popat Bhagat (appellant No.1), Ganesh Bhagat, Yogesh Bhagat (appellant No.2) and son of Anil Bhagat came there on three motor cycles. Thereafter, Popat Bhagat gave blow of stick on the shoulder of the informant's mother Ambika. At that time, when the informant's wife Shobha tried to rescue Ambika, appellant No.1 (Dnyandeo) created hurdle in her way by his leg, as a result of which, Shobha fell down and thereafter, Dnyandeo threw brick on her chest. During that scuffle, Ganesh Bhagat and Yogesh Bhagat (appellant No.2) assaulted the informant by fist and kicks. When the informant's sister Jaishri tried to intervene, Yogesh Bhagat (appellant No.2) assaulted on her head by brick. At that time, other accused also assaulted the informant's other relatives by fist blow and kicks and also by sticks. Based on these allegations, the aforesaid FIR came to be registered.

3. Learned advocate for the appellants submitted that the appellants are innocent. The informant lodged false FIR against them. The informant has suppressed that Anil Bhagat, who had reached in Scorpio vehicle, was also badly injured in the scuffle with the informant and he was, therefore, hospitalized for few days. After getting discharge from hospital, Anil Bhagat

was arrested. As regards the role played by the present appellants, it is alleged in the FIR that appellant No.1 (Dnyandeo) assaulted the informant's wife Shobha by brick whereas, appellant No.2 (Yogesh) assaulted the informant's sister Jaishri by brick. Learned advocate submits that all other accused persons have been granted anticipatory bail except accused Anil Bhagat, who has been granted regular bail. The victims, who are allegedly injured due to assaults by the present appellants, have received simple injuries and on the contrary, those accused persons, who have allegedly inflicted grievous injuries, have been granted anticipatory bail. Custody of the present appellants is not at all required as nothing is required to be seized from them. Learned advocate further submits that this Court was pleased to grant ad-interim protection in favour of the present appellants and during this period, they have not misused liberty and have cooperated with the Investigating Officer. Investigation is almost over, therefore, custody of the appellants is not required. It is, therefore, prayed that the appellants be granted anticipatory bail by confirming interim anticipatory bail.

4. *Per contra*, learned APP strongly opposed the appeal and submitted that the appellants are involved in serious and heinous crime and that too of beating the persons belonging

to backward community. There was no occasion for the accused persons to go at locality of the informant and fight with the victims, who are running their small grocery shop. The charge-sheet is not filed. Learned APP, therefore, prayed for rejection of this appeal.

5. Learned advocate for respondent No.2/ informant also vehemently opposed the appeal for grant of anticipatory bail. He adopted the submissions of learned APP and submitted that the appellants are influential persons. If they are released on anticipatory bail, they may threaten the prosecution witnesses. Therefore, this Court may not show sympathy towards them. In support of his submission, he has also filed the affidavit in reply of respondent No.2/ informant. As such, he also strongly opposed the grant of anticipatory bail to the appellants.

6. After having heard the learned advocates for the respective parties and after going through the material available on record including investigation papers made available to me, it is revealed that the appellants have caused simple injuries to two victims. Another accused Popat Bhagat, who has allegedly inflicted grievous injury, has been granted anticipatory bail. Some other accused persons, who have caused grievous injuries, have also been granted regular bail. Looking to the averments of

incriminating material against the appellants, it is clear that their role is on lower footing as compared to other accused persons. Investigation papers disclose that most of investigation is completed and mere filing of the charge sheet is remained. Therefore, in my *prima facie* view, custodial interrogation of the appellants is not required. It is, therefore, appropriate to allow this appeal by confirming the interim protection.

7. In view of the aforesaid facts and circumstances, the instant appeal deserves to be allowed by granting anticipatory bail to the appellants on certain conditions. Hence, the following order:

ORDER

- a) The Criminal Appeal stands allowed.
- b) The impugned order is quashed and set aside.
- c) In the event of arrest of the appellants in connection with Crime No.0349/2025 dated 14.06.2025 registered with Ahilyanagar (Ahmednagar) Camp Police Station, District Ahmednagar, for offences punishable under Sections 118(1), 115(2), 351(2), 351(3), 352, 324(4), 189(2), 191(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) 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.

d) The appellants shall attend the concerned Police Station on every Monday between 11:00 am to 01:00 pm.

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

f) The appellants shall not enter the territorial jurisdiction of Ahilyanagar (Ahmednagar) Camp Police Station, District Ahmednagar, till the filing of the charge sheet, except on the date of appearance and they shall give their residential addresses to the concerned Investigating Officer.

8. 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.

kps

(SUSHIL M. GHODESWAR, J.)