



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 542 OF 2025

Milind Awachit Baisane,
Age; 57 years, Occ; Journalist/Business,
R/o; 01, Prathmesh Apt. Mahavir Colony,
Sakri Road, Dhule, Tal and Dist. Dhule

...APPELLANT
(Original Complainant)

VERSUS

1. The State of Maharashtra,
Through P.I. Songir Police Station,
District Dhule.
 2. Rohan Hemlal Lohar,
(Applicant/Accused No. 2 in Bail Petition)
Age; 24 years, Occ; Labour,
R/o; Nimba Annanagar,
Awadhan, Dhule, Tal and Dist. Dhule.
 3. Mayur Sanjay Patil,
(Applicant/Accused No. 3 in Bail Petition)
Age; 26 years, Occ; Labour,
R/o; Nimba Annanagar,
Awadhan, Dhule, Tal and Dist. Dhule.
 4. Dinesh @ Vicky Bhagwat Wagh,
(Applicant/Accused No. 4 in Bail Petition)
Age; 28 years, Occ; Private Job,
R/o; Awadhan, Dhule, Tal and Dist. Dhule.
 5. Bhushan @ Kondya Kailas Patil,
(Applicant/Accused No. 5 in Bail Petition)
Age; 25 years, Occ. Private Job,
R/o; Awadhan, Dhule, Tal and Dist; Dhule
- ...RESPONDENTS

...
Advocate for the appellant : Mr. Chetan B. Chaudhari
APP for Respondent No.1-State : Ms. U.S. Bhosle
Advocate for Respondent Nos. 2 to 5 : Mr. H.V. Tungar
...

AND

CRIMINAL APPEAL NO. 466 OF 2025

Prashant @ Guru S/o Rajesh Patil,
Age; 27 years, Occ; Labour,
R/o Nimba Annanagar, Awadhan
Dhule, Tq. & Dist. Dhule.

...APPELLANT
(Orig. Accused No. 1.)

VERSUS

1. The State of Maharashtra,

2. Milind s/o Awachit Baisane,
Age; 57 years, Occ; PUC Center,
R/o; 01, Prathemesh Apartment,
Mahavir Colony, Sakri Road,
Dhule, Tq. & Dist. Dhule.

...(Orig. Complainant)
...RESPONDENTS

...
Advocate for the Appellant : Mr.H.V. Tungar
APP for Respondent No.1-State : Ms. U.S. Bhosle
Advocate for Respondent No.2 : Mr. Chetan B. Chaudhari
...

CORAM : SUSHIL M. GHODESWAR, J.

Date : 25.11.2025

PER COURT :

1. Since both these appeals are arising out of same Crime No. 156 of 2025 registered at Mohadi Nagar Police Station, District Dhule, for the offences punishable under Sections 352, 351(3), 351(2), 324(2), 191(2), 190, 189(2), 115(2) of the Bhartiya Nyaya Sanhita, 2023 and under Section 3(1)(s), 3(1)(r) of the Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act, 1989, therefore, both these appeals are being decided by this common order.

2. However, in both these appeals different reliefs are sought. Criminal Appeal No. 542 of 2025 is filed by Milind Awachit Baisane, who is informant in Crime No. 156 of 2025. The said Criminal Appeal No. 542 of 2025 is for cancellation of bail granted to respondent Nos. 2 to 5 therein, vide order dated 19.06.2025, passed by the learned Special Judge and Additional Sessions Judge, Dhule in Criminal Bail Application No. 475 of 2025. Whereas, Criminal Appeal No. 466 of 2025 is filed by accused Prashant @ Guru s/o Rajesh Patil, thereby challenging the order passed by the learned Special Judge and the Additional Sessions Judge, Dhule on 19.06.2025 in Bail Application No. 475 of 2025, wherein, the Anticipatory Bail Application of said appellant Prashant Patil came to be rejected.

3. The prosecution story as per Crime No. 156 of 2025, which is lodged by Milind Awachit Baisane, is as under :

According to Milind Baisane, he is running one PUC Center, near tea stall of accused Prashant Patil. Accused Prashant Patil used to harass employees employed by the Complainant at the said PUC Center. He further stated that his caste status is well known to said Prashant Patil. On 23.05.2025, his employee namely Vijay Gorakh Patil has informed him that at around 9.30 a.m., when he was opening the said

PUC center, at that time, the neighbouring tea stall owner i.e. Prashant Patil was restraining him from opening PUC Center. Accordingly, said employee called Milind Baisane immediately. Since the Milind Baisane was engaged somewhere, therefore, he sent his wife namely Sau. Shobha Milind Baisane for giving proper understanding to said Prashant Patil. However, said Prashant Patil did not listen her, therefore, he himself rushed to the spot at 12.15 hrs. At that time, Prashant Patil abused him in filthy language. Though, he tried to give him understanding, he gave him fist blows in his chest and also started assaulting by fist and kick blows. Other accused persons namely Rohan, Dinesh, Bhushan and Mayur i.e. respondent Nos. 2 to 5, in Criminal Appeal No. 542 of 2025, also started assaulting him with fist and kick blows. They caught hold his collar and started threatening him to close down his PUC Center, otherwise they will kill him. Certain other persons present there namely Abu Nana and Rajesh Patil and his employee Vijay Gorakh Patil tried to pacify the said quarrel. In the said quarrel, he also lost Rs. 3,500/-. At that time, he also tried to photo shoot the incident through his Samsung Mobile Phone. However, the accused person Prashant Patil had snatched the same and thrown it on the floor. They also damaged his Car. Accordingly, thereafter informant came to Police Station and lodged report.

4. After registration of Crime, since the Police Officer found that the Informant belongs to Scheduled Tribe category, therefore, the

investigation came to be handed over to Dy. Superintendent of Police Mr. Rajkumar Maruti Upase, who sent the victim for medical examination and recorded spot panchanama where the incident took place. During the investigation, he also recorded statements of certain witnesses. The caste certificate of the informant was also came to be collected. The injury certificate of Mr. Milind Baisane, issued by the General Hospital, Dhule, pointing out certain blunt trauma injuries to the chest, neck and abdomen is also collected. Accused persons have applied for grant of anticipatory bail before the learned Special Judge (SC/ST) and the Additional Sessions Judge Dhule, by partly allowing the said application was pleased to reject the bail application of accused No. 1 i.e. Prashant @ Guru Patil, whereas, he has granted bail to respondent Nos. 2 to 5 in Criminal Appeal No. 542 of 2025. Hence, said Prashant Patil approached this Court by filing Criminal Appeal No. 466 of 2025 for grant of bail, whereas, informant Milind Baisane also approached this Court and prayed for cancellation of bail granted to respondent Nos. 2 to 5.

5. I have heard the learned Counsel for both the parties extensively.

6. The learned APP has also made available the investigation papers to me. It appears that there is long standing business rivalry between two parties i.e. appellants of both the Criminal appeals. The

appellant Prashant Patil is running a tea stall/hotel cum breakfast hotel and adjacent to the said tea stall there is shop of the informant Milind Baisane, who is also running his PUC Center. The incident alleged to have taken place out of the neighbouring issues between them. But one fact is clear that there is no allegation as regards the caste based and humiliation or abusing on caste in the entire report. The alleged incident has taken place due to the enmity between two parties, who are running their own businesses adjacent to each other. The offences which are registered in this Crime, are mostly bailable, except an offence under the Atrocities Act. The investigation papers disclose that most of the investigation is already completed and mere formality of filing of charge-sheet is remained. Accused No. 1 (Appellant in Criminal Appeal No. 466 of 2025, Prashant Patil) alongwith other accused persons have approached the learned Sessions Judge for grant anticipatory bail, however, the learned Sessions Judge pointing specific involvement of the appellant Prashant Patil, rejected his bail application. However, learned Sessions Judge pleased to grant anticipatory bail to respondent Nos. 2 to 5 in bail application No.475 of 2025.

7. Learned Counsel for the appellant submits that since the incident took place in view of business rivalry, appellant Prashant Patil is falsely implicated in this crime. He further submits that there is no use of any weapon in the instant crime. The whole incident is recorded in CCTV footage and same is very much available with the Investigating

Officer. He further submits that since most of the investigation is completed, there is no necessity of custodial interrogation of the accused Prashant Patil, and prayed that he be released on bail by allowing his appeal. He further submits that the learned Sessions Judge has rightly considered the material and given appropriate reasoning for the purpose of releasing respondents/accused Nos. 2 to 5 on bail, and therefore, he submits that learned Sessions Judge's order granting bail to respondent Nos. 2 to 5, is correct and proper.

8. Ms. Bhosle, Learned APP for Respondents-State submits that appellant Prashant is the main accused in the instant crime. His custodial interrogation is necessary for the purpose of taking investigation to its logical end. He further submits that if accused Prashant Patil is granted anticipatory bail he may tamper with the prosecution witnesses and therefore, he insisted for rejection of Criminal Bail Application No.466 of 2025 preferred by Prashant Patil.

9. I have also heard Mr. Chaudhari learned Counsel for the appellant, who has filed Criminal Appeal No. 542 of 2025, thereby seeking cancellation of bail of accused Nos. 2 to 5. According to him, learned Sessions Judge, while granting bail to both these appellant Nos. 2 to 5 has failed to appreciate that accused Nos. 2 to 5 were also equally involved in the commission of crime. Their role cannot be segregated from the role of accused Prashant Patil. All accused were assaulting the

informant Milind Bhaisane with fist and kick blows. So, according to Mr. Chaudhari, learned Counsel for appellant in appeal No. 542 of 2025, learned Sessions Judge has committed grave error, thereby granting bail to accused Nos. 2 to 5 and though accused No. 1 is yet to be arrested, still the learned Sessions Judge granted bail to accused Nos. 2 to 5. Therefore, the said order is incorrect and illegal and hence prayed for cancellation of bail granted to respondent Nos. 2 to 5.

10. After perusing the entire material on record, it is crystal clear that most of the investigation is already over and mere formality of filing of charge-sheet is remained. As regards, appeal filed by accused Prashant Patil is concerned, same can be allowed since in the entire FIR there is no reference as regards allegations of harassment and humiliation to informant Milind on the basis of his caste. Moreover, there is also no use of any weapon or instrument at the time of said incident. The submission of learned Counsel for the appellant, Prashant Patil that since there is no necessity of further interrogation, the appellant be released on anticipatory bail assumes significance and therefore, I am inclined to allow the bail application filed by Prashant Patil, thereby granting him anticipatory bail by putting certain conditions.

11. Whereas, as regards the appeal filed by the informant Milind Baisane i.e. Appeal No. 542 of 2025 for cancellation of bail of

respondents/accused Nos. 2 to 5 is concerned, it is seen that said respondent Nos. 2 to 5/accused were present at the spot, however, their role is less incriminating than the role performed by the accused Prashant Patil. The learned Sessions Judge has rightly granted them bail by giving reasonable grounds which needs to be maintained. The Hon'ble Apex Court in the case of **the State of Karnataka Vs. Shri Darshan Reported in CRIMINAL APPEAL NOS. 3528 - 3534 OF 2025 (Arising from SLP (Crl.) Nos. 516 – 522 of 2025)**, observed that while deciding Cancellation of Bail Application the appellate Court has to consider different aspects which were considered while granting bail. As there is no reasonable ground to cancel the bail granted by the learned Sessions Judge, therefore, I am of the opinion that the instant appeal No. 542 of 2025 fails and same is rejected. Hence I proceed to pass following order :

ORDER

- [i] Criminal Appeal No. 542 of 2025 is rejected
- [ii] Criminal Appeal No. 466 of 2025 is allowed.
- [iii] Appellant Prashant Patil is directed to be released in the event of his arrest in Crime No. 156 of 2025 registered at Mohadi Nagar Police Station, District Dhule, for the offences punishable under Sections 352, 351(3), 351(2), 324(2), 191(2), 190, 189(2), 115(2) of the Bhartiya Nyaya Sanhita, 2023 and under Section 3(1)(s), 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in the sum of Rs. 25,000/- alongwith one surety in the like amount each.

- [iv] He shall not tamper the prosecution witnesses.
- [v] He shall not commit similar offence again.
- [vi] In the event of commission of similar offence the bail shall be cancelled.
- [vii] Both appeals are disposed accordingly.

12. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the Appellant shall be liable to be cancelled.

13. It is also clarified that the observations made in this order are limited to the disposal of the present appeals. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

(SUSHIL M. GHODESWAR, J.)