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

CRIMINAL APPEAL NO.566 OF 2025

Sameer s/o Samad Kureshi

....APPELLANT

VERSUS

1. The State of Maharashtra,
Thr. Police Station Officer,
Kannad Gramin Police Station,
Taluka Kannad,
Dist. Chhatrapati Sambhajinagar

2. Kadubai Kashinath Avhad

....RESPONDENTS

.....

Mr Rameez M. Shaikh, Advocate for Petitioner

Ms Uma S. Bhosale, APP for Respondent No.1/State

Ms Yashashri Patwardhan, Advocate (appointed) for Respondent No.2

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 17 NOVEMBER 2025

P. C. :

1. By this criminal appeal, the appellant is praying for grant of anticipatory bail in the event of his arrest in connection with Crime bearing FIR No.131/2025 registered on 07/06/2025 with Kannad Gramin Police Station, Tq. Kannad, District Chhatrapati Sambhajinagar for the offences punishable under Sections 115(2), 352, 351(2), 3(5), 333 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').

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2. The aforesaid Crime was registered on the basis of the report lodged on 07/06/2025 by respondent No.2/informant with the Kannad Gramin Police Station, stating therein that she is residing alongwith her husband and son at Shirasgaon, Taluka Kannad, Dist. Chhatrapati Sambhajinagar. As per the report, one Samad Latif Kureshi is residing near her house and there was dispute between them as regards stagnant water infront of her house. On 06/06/2025, at about 6.00 p.m., when she along with her husband and son were at home, at that time, the present appellant along with Afsana Samad Kureshi and Najma Samad Kureshi came to their house. In view of the previous dispute as regards stagnant water, the appellant alleged to have abused the informant by referring to her caste infront of one Sandip Shivsing Rajput. He is also alleged to have threatened them to kill by knife, which he was possessing at the time of incident. Thereafter, he entered in their house and kicked the door of their house. Thereafter, the appellant also alleged to have assaulted her son with fist and kicks blows. The other accused persons also abused them in filthy language. At that time, her neighbour, namely, Vishal Uttamrao Dhanake came there and pacified the quarrel. On the basis of this incident, she approached the Police Station and lodged the report against the accused persons.

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3. Applicant had preferred application bearing Bail Petition No.1321/2025 before the learned Special Judge SC and ST (POA) Act, Aurangabad for enlarging him on anticipatory bail. The learned Special Judge, Aurangabad rejected his application vide order dated 04/07/2025. This Court, vide order dated 05/08/2025 has granted ad interim protection to the appellant.

4. Heard learned Advocate Mr Shaikh for the appellant, learned APP Ms Bhosale for respondent No.1/State and learned Advocate Ms Patwardhan (appointed) for respondent No.2.

5. Learned Advocate for the appellant submits that the aforesaid crime is a counter blast of R.C.S. No.488/2023, filed by the father of appellant against husband of the informant before the Civil Court at Kannad. Therefore, the said FIR is filed with *malafide* intention to harass the appellant. He then submits that the appellant has not uttered any words regarding caste of informant and even, mere utterance of words or calling the person by his caste would not make out a case under the provisions of the Atrocities Act. Thus, according to learned Advocate for the appellant, the aforesaid FIR itself is filed on the basis of personal grudges, arising out of prior conflict between both the families with intension to rope the appellant in false case. He

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further submits that the appellant was granted ad interim protection by this Court vide order dated 05/08/2025 and during this period he has cooperated with the investigation, and as such, has not misused his liberty. Therefore, he prays that the appellant may be released on bail by granting present appeal.

6. Per contra, learned APP Ms Bhosale strongly opposes the instant appeal by filing affidavit on behalf of Investigating Officer of the present crime. She submits that, during the course of investigation, the Investigating Officer of the concerned Police Station had been drawn spot panchnama on 07/06/2025, wherein he noticed stones and bricks were lying in front of the door of the informant's house and there were also marks of kicks on the door, due to which the said door was in broken condition. She further submits that the Investigating Officer has recorded statement of certain witnesses, who are the eye witnesses and they are belonging to different communities and they have supported the case of the prosecution. She then submits that, since the incident took place in front of so many eye witnesses, the *prima facie* offence against the appellant is clearly made out. She further submits that the present appellant, even after registration of crime, has given threats by making calls as well as sending messages to witnesses Vishal Dhanake and Nisar Asif Shaha, and therefore, the

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said witnesses have registered N.C.Rs. with Kannad Gramin Police Station. I have seen the said N.C.Rs. which have been registered on the basis of complaint lodged by the said witnesses. She further submits that the said witness Vishal, who was present at the spot at the time of incident, has also took video shooting of the incident in his mobile and same is saved in pen drive. In the said video shooting, the appellant is being clearly seen carrying dangerous long weapon like sword and also abusing informant. The said pen drive is also came to be seized. The statements of the informant as well as witnesses also came to be recorded as per Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Most importantly, Ms Bhosale, learned APP has vehemently submits that, after commission of present offence, the appellant again alleged to have committed two more offences vide Crime No.198/2025 on 09/07/2025 for the offences punishable under Sections 118(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Crime No.173/2025 registered on 12/07/2025 for the offence punishable under Section 61(2), 103, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Section 3(25) of the Arms Act for committing murder of one Raju @ Rajaram Bhavsingh Chungde by using Pistol and Koyata. She further contended that, in view of the ad interim protection granted by this Court to the appellant, the Police could not

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arrest the appellant. Thus, according to her, in view of the criminal record of the appellant and serious offences registered against him, the instant appeal deserves to be dismissed.

7. I also heard Ms Patwardhan, learned Advocate appointed for respondent No.2, who has adopted the submissions of the learned APP. She supports the order of the learned Special Judge, Aurangabad thereby rejecting anticipatory bail of the appellant. She further added that, if the appellant is granted anticipatory bail by confirming his interim protection order, he will threaten the prosecution witnesses, and therefore, she prays for dismissal of the present appeal.

8. With the assistance of the learned advocates for the respective parties, I have gone through the FIR and the record made available to the Court.

9. The appellant has been granted ad interim protection by this Court on 05/08/2025 by putting certain conditions. It is the matter of record that the appellant has involved in Crime No.198/2025 and Crime No.173/2025. Thus, there is clear material pointing out that he has misused his liberty granted by this Court. This could be sufficient reason for rejecting the instant anticipatory bail. The appellant has been *prima facie* found to be involved in the commission of offence

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registered against him, there are independent eye witnesses, who have stated that the appellant has abused and threatened the informant and also he was also carrying dangerous weapon at the time of instant crime. Thus, the submission of learned APP that the custodial interrogation of the appellant is necessary in order to recover the dangerous weapon from him, is correct. The appellant is also involved in threatening the witnesses, who have lodged the report against him which have been registered as N.C.R. No.0269/2025 and N.C.R. No.0276/2025. Therefore, he does not deserve any relief by this Court. Hence, the instant appeal is rejected. Needless to state that ad interim protection granted by this Court to the appellant vide order dated 05/08/2025 stands vacated.

10. Fees of learned Advocate Ms Patwardhan, appointed to represent respondent No.2 is to be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules.

[SUSHIL M. GHODESWAR, J.]

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