



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

CRIMINAL APPEAL NO.550 OF 2025

**UTTARESHWAR BABASAHEB GAAT,
VILAS NAVNATH GAAT
AND
BHAUSAHEB SHAHADEV GAAT
VERSUS
THE STATE OF MAHARASHTRA
AND
VAIBHAV BALIRAM KHANDAGALE**

...
Shri R.G. Hange and Shri A.R. Hange, Advocates for the
Appellants.
Shri G.O. Wattamwar, APP for Respondent No.1/ State.
Shri Swapnil Joshi, Advocate h/f Shri Ojas A. Deshpande,
Advocate for Respondent No.2.
...

CORAM : SUSHIL M. GHODESWAR, J.

**Reserved on : 19 September, 2025
Pronounced on : 23 September, 2025**

ORDER :-

1. By this appeal, the appellants pray for quashment of the order dated 17.07.2025 passed by the learned Special Judge, Beed in Criminal Bail Application No.641/2025, by which, the said application for grant of anticipatory bail, is rejected.
2. The above bail application was preferred in Crime bearing FIR No.151/2025 registered on 06.06.2025 with Shirur Police Station, District Beed for the offences punishable under

Sections 118(1), 119(1), 189(2), 190, 191(2), 333, 351(2), 351(3), 352 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 (Vaibhav Baliram Khandagale).

3. In the FIR, respondent No.2 alleged that on 04.06.2025 at around 08:00 pm in evening, when the informant was sitting in front of his house, at that time, the accused persons, namely, Uttareshwar Babasaheb Gaat (appellant No.1), Vilas Navnath Gaat (appellant No.2), Balu Bhivsen Gaat, Bhausahab Shahadev Gaat (appellant No.3), Mahadev Baliram Walekar and Narayan Bhaurao Gaat, came there and despite they knowing my caste, they asked the informant as to why he worked against them in village panchayat election. On this count, they abused the informant and asked to tell how much amount is there in his pocket. When the informant told them that he does not have money in his pocket, appellant No.2 (Vilas Gaat) is alleged to have assaulted on his forehead by rod. Thereafter, they caught hold the informant and appellant No.1 (Uttareshwar Gaat) is alleged to have snatched money from his pocket. Thereafter, they allegedly assaulted him with fist and kick blows. It is alleged that

appellant No.3 (Bhausahab Gaat) is alleged to have taken away ornaments of the informant's mother from cupboard in house. At that time, parents of informant came and they relieved him from clutches of the accused persons. Thereafter, neighbours also came there and they tried to pacify quarrel. The appellants alleged to have threatened them of dire consequences of murder. The informant was thereafter, taken to Government hospital at Beed and after taking treatment there, he lodged the FIR on 06.06.2025.

4. Learned advocate for the appellants submitted that this Court has already granted ad-interim protection while issuing notice on 24.07.2025. There is delay of three days in lodging FIR. Village Panchayat election took place three years ago prior to lodging of FIR. As such, there was no reason for the appellants to ask the informant as to why he opposed them in election. Thus, the motive alleged by the informant in his report is false.

5. According to learned advocate for the appellants, there are two fractions in village and the appellants are belonging to the group of Sarpanch whereas, the informant belongs to opposite group. Therefore, the opponent group deliberately filed false case against the appellants through the informant. He also

submitted that one Ashwini Balu Gaat, wife of one of accused, contested village panchayat election and was defeated by one Rekha Ganesh Gaat. Therefore, there was political enmity between the parties. Pooja Gaat (wife of appellant No.1) has also lodged the report against the informant and his father vide Crime No.152/2025 for the offences punishable under Sections 119(1), 189(1), 190, 191, 333 and 351 of the Bharatiya Nyay Sanhita. It is evident that there is political enmity between the parties and therefore, the appellants have been falsely implicated.

6. According to learned advocate for the appellants, the informant had gone for treatment in Government hospital at Beed where, his MLC could have been registered at Government Hospital, Beed and his statement could have been recorded by the police on the same day. However, after getting discharge from hospital, he went to the Police Station and lodged the report after delay of three days. Thus, the complaint is lodged afterthought so as to falsely implicate the appellants. He submitted that investigation is almost completed and as such, nothing is required to be seized from the appellants. Allegation as regards snatching of money and ornaments is false because financial condition of the appellants is sound. They have no criminal antecedents. The informant has not given details of

currency notes, therefore, recovery of currency notes has no evidentiary value. The appellants have complied the conditions imposed while granting ad-interim protection.

7. Learned advocate for the appellants stated that in view of long standing political rivalry between parties, the FIR has been registered against the appellants and they have been falsely implicated. According to the learned advocate, there is no *prima facie* offence made out under the provisions of the Atrocities Act against the present appellants. However, in order to settle personal score and political score, respondent No.2/ informant has deliberately filed FIR in question. The FIR registered against the appellants does not show any offence made out against them and it also does not contain necessary ingredients to constitute the offence under the Atrocities Act. He submitted that in order to ascertain whether, there is *prima facie* case made out against the accused for such offences, such ingredients must show *prima facie* involvement of the accused in such crime. The informant has deliberately implicated the appellants in order to show that the offence is committed in public view. He, therefore, prayed for allowing this appeal.

8. *Per contra*, learned APP strongly opposed the appeal and on the basis of the affidavit filed by the Investigating Officer

submitted that the appellants have committed breach of the order of interim protection granted to them by this Court as they were seen in village though they were directed not to enter in village. It is contended that the appellants are involved in serious crime. The crime has taken place at a public place within a public view. Custodial interrogation of the appellants is necessary. The appellants and the victim being residents of same village, chances of causing law and order situation cannot be ruled out. He, therefore, prayed for rejection of the appeal.

9. Learned advocate for respondent No.2/ informant also vehemently opposed the grant of any relief in favour of the appellants. According to him, the incident took place in broad day light and at public place. The accused persons are influential. If the appellants are granted bail, they will create terror in village. The contents of the FIR clearly make out a *prima facie* case against the appellants. In view of the bar under Section 18 of the Atrocities Act, the appellants are not entitled for grant of anticipatory bail. Moreover, the appellants violated the condition of interim protection as they were found in village. He, therefore, prayed for rejection of this appeal.

10. 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 by the learned APP, it is clear that the incident, which took place on 04.06.2025, came to be reported on 06.06.2025. The record indicates that there is political enmity between two group on account of village panchayat election, which took place three years ago. The submissions of the learned advocate for the appellants cannot be overlooked as regards the fact that the election took place prior to three years and it is hard to believe that the appellants would go to house of the informant and ask him as to why he did not work for them in election. It is significant to note that the informant was treated in Government Hospital at Beed on 04.06.2025 and after taking treatment, according to him, he approached Police Station on 06.06.2025. However, injury certificate discloses that he was not indoor patient and he was examined in the said hospital on 04.06.2025. Thus, there is delay in lodging FIR, which is not explained. The medico-legal certificate discloses five simple injuries, out of which, four blunt trauma and one contusion. The statements of witnesses indicate that there was quarrel and the informant has received some injuries of simple nature. As the investigation in crime is already completed, nothing is to be recovered from the appellants.

11. In the above backdrop and in view of the ratio laid down by the Honourable Supreme Court in ***Prathvi Raj Chauhan vs Union Of India reported in AIR 2020 SC 1036, Shajan Skaria vs. State of Kerala, 2024 SCC Online SC 2249 : 2024 INSC 625 and Kiran vs. Rajkumar Jivraj Jain and another, 2025 SCC Online SC 1886***, at this *prima facie* stage, I am inclined to grant anticipatory bail to the appellants.

12. The contention of the respondents about presence of the appellants in village can be taken care of by directing them to strictly comply with terms and conditions to be imposed by this order. Hence, the following order:

ORDER

a) The Criminal Appeal stands allowed and the impugned order dated 17.07.2025 is quashed and set aside.

b) In the event of arrest of the appellants in connection with Crime bearing FIR No.151/2025 registered on 06.06.2025 with Shirur Police Station, District Beed for the offences punishable under Sections 118(1), 119(1), 189(2), 190, 191(2), 333, 351(2), 351(3), 352 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.

c) The appellants shall attend the concerned police station as and when called by the Investigating Officer till filing of the charge-sheet.

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

e) The appellants shall not enter village Shirapur (Gaat), Taluka Shirur Kasar, District Beed, till filing of the charge sheet and they shall give their residential address to the concerned Investigating Officer.

f) In case the appellants are found violating any of above conditions, the State as well as the Informant are at liberty to approach this Court for cancellation of bail.

13. 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.