



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

920 CRIMINAL APPEAL NO. 553 OF 2025

Afroj Kasim Sayyad @ Chingudada,
Age; 32 years, Occ. Labour,
R/o; Babhalgaon, Tq. & Dist. Latur.

...APPELLANT
(Original Accused)

VERSUS

1. The State of Maharashtra,
Through its Investigation Officer,
Viveknand Chowk Police Station,
Tq. & District : Latur.
2. Raju s/o Dasrao Kalunke,
Age; 35 years, Occ; labour,
R/o; Mhada Colony, Babhalgaon Road,
Latur, Tq. & Dist. Latur.

...RESPONDENTS
(Orig. Complainant)

...
Advocate for Appellant : Mr. Tukaram Maruti Venjane
APP for Respondent No. 1/State : Ms.Uma S. Bhosle
Advocate for Respondent No. 2 : Ms. Mayuri Kasturkar (appointed)
...

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 27.11.2025

PER COURT :

1. The appellant is challenging the order passed by the learned Special Judge (SC/ST Act) and the Additional Sessions Judge, Latur, District Latur, whereby, his Anticipatory Bail Application No. 466 of 2025 below Exh. 1, came to be rejected vide order dated 15.07.2025.

The appellant through this appeal under Section 14 (a) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, praying for grant of anticipatory bail.

2. A report is lodged by respondent No. 2 namely Raju Dasrao Kalunke on 17.06.2025 vide Crime No. 406 of 2025, registered with Viveknand Chowk Police Station Latur, for the offence punishable under Section 103(1), 109, 118(1), 351(2), 351(3), 51 r/w., 3 (5) of the Bhartiya Nyay Sanhita, 2023 and under Section 3(2) and 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Admittedly, the said report does not disclose the name of the present appellant. However, FIR came to be registered against two accused persons namely Shahajad Shaikh who has assaulted by knife to the deceased and other one Abbas Shaikh who has assaulted by one “Koyata” to the injured Raju Kalunke. There are no specific allegations against the present appellant.

3. The main allegation mentioned in the charge-sheet is that the weapon “Koyata” which was used by accused No. 2, Abbas Shaikh has been supplied by the present appellant. The appellant is therefore, seeking anticipatory bail through this appeal.

4. Vide order dated 24.07.2025, the appellant has already been protected. In the mean time the charge-sheet in the instant crime also

came to be filed against all the accused persons including the present appellant.

5. Mr. Venjane, the learned Counsel for the appellant submits that since no specific aggravated role has stated or found in the entire charge against the appellant, the appellant deserves to be granted the anticipatory bail. He further submitted that the appellant has been arrayed as an accused only on the basis of disclosure statement made by the co-accused. It is stated by the co-accused that the weapon “Koyata”, which he used at the time of commission of offence was supplied by the present appellant. Except this statement there is no any incriminating material in the charge-sheet against the appellant. Accordingly, the learned Counsel Mr. Venjane for the appellant prays for grant of anticipatory bail to the appellant.

6. Per-Contra, Ms. Bhosle, learned APP for respondent-State that submits that the offence committed by the present appellant is serious in nature and the appellant has supplied the said danger weapon to accused No. 2, in order to assault the victim. She further submits that the present appellant is also having criminal antecedents. There are two crimes presently are registered against the appellant at Police Station Latur. Vide Crime No. 225 of 2016 the offence punishable under Section 326, 325, 324, 323 and 504 of the Indian Penal Code, came to be registered on 03.06.2016 and vide Crime No. 172 of 2023 offence under

Section 4 read with Section 25 of the Arms Act and under Section 135 of the Maharashtra Police Act came to be registered. She further submits that if the appellant is granted anticipatory bail, he may threaten to the prosecution witnesses. The Crime in question is serious in nature therefore, she has strongly opposed for grant of anticipatory bail to the appellant.

7. I have also heard Ms. Mayuri Kasturkar the learned Counsel for respondent No. 2. She has adopted the submissions of the learned APP for State and accordingly prayed for rejection of the instant appeal.

8. After perusal of the entire charge-sheet, no crucial incriminating material is found against the present appellant. Co-accused No. 2 Shaikh Abbas has during his interrogation disclosed the name of the present appellant as supplier of the weapon, which accused No. 2 had used during the commission of the Crime. Even for the sake of argument if it is considered that the appellant had supplied the said weapon, however, the injuries caused to the victim on the basis of said weapon through accused No. 2, are on the hands and not on other vital parts of the body. Be that as it may, the fact remains that only incriminating material in the entire charge-sheet against present appellant is that he has supplied said weapon to accused No. 2. The material in the charge-sheet does not disclose the guilty mind of the appellant so as to commit the aforesaid offence. After completion of

investigation, the Investigating Officer has filed the charge-sheet, as such no purpose would be served by rejecting the instant anticipatory bail application.

9. Admittedly, there are criminal antecedents against the present appellant, however, the same may not come between the grant of bail, through this appeal. The apprehension of learned APP and learned Counsel for respondent No. 2 can be taken into consideration by putting certain stringent conditions on the appellant. Accordingly, I pass following order :

ORDER

[i] The appeal is allowed.

[ii] The impugned order passed by the Special Judge (SC/ST Act) and the Additional Sessions Judge, Latur, District Latur, in Anticipatory Bail Application No. 466 of 2025 below Exh. 1, dated 15.07.2025 is quashed and set aside.

[iii] Ad-interim anticipatory bail granted by this Court on 24.07.2025 is confirmed.

[iv] In the event of arrest, the Appellant shall be released on bail in connection with vide Crime No. 406 of 2025, registered with Viveknand Chowk Police Station Latur, for the offence punishable under Section 103(1), 109, 118(1), 351(2), 351(3), 51 r/w., & 3 (5) of the Bhartiya Nyay Sanhita, 2023 and under Section 3(2) and 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing PR bond of Rs.25,000/- with one surety in the like amount to the satisfaction of the trial Court.

[v] The appellant shall not enter the jurisdiction of

Viveknand Chauk Police Station Latur District limits during pendency of the trial. The Appellant is allowed to enter into the city limits only on the dates of trial.

[vi] The Appellant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

[vii] The Appellant shall co-operate with the trial Court and shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

[viii] The Appellant shall not tamper with the evidence of the prosecution and shall not influence the informant, witnesses and other persons concerned with the case and not to indulge in any criminal activities.

[ix] The Appellant, upon being released on bail, shall place on record of the trial Court their details of Contact Number and residential addresses with updates in case of any change.

[x] The appellant shall not commit any crime in future.

10. 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.

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

12. The appeal stands allowed and disposed of.

13. The, learned Advocate Ms. Mayuri Kasturkar was appointed to represent the Respondent No.2, her fees be quantified as per rules by the Legal Aid, Sub Committee, of this Court.

(SUSHIL M. GHODESWAR, J.)

mahajansb/