



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

51 CRIMINAL APPEAL NO.560 OF 2025

1. Vsntrav Shahadevrao Pawar,
Age : 56 years, Occupation: Agri.
2. Bhisma Vasantryao Pawar,
Age : 28 years, Occupation: Education,
3. Raju Gangadhar Nirmal,
Age : 58 years, Occupation: Nirmal,
4. Pravin Gorakhnath Hingale,
Age: 31 yrs., Occu.: Agri,
5. Ganesh Vitthal Hingale,
Age: 52 yrs., Occu.: Agri,
6. Ganesh Pandurang Nirmal,
Age: 37 yrs., Occu.: Agri,
7. Amol Digambar Hingale,
Age: 34 yrs., Occu.: Agri,
8. Shubham Govind Nirmal,
Age: 23 yrs., Occu.: Education,
9. Avdhut Ganesh Nirmal,
Age: 26 yrs., Occu.: Service,
All R/o At Limbgoan, Post. Thergaon,
Tq. Paithan, Dist. Chh. Sambhajinagar. ... Appellants

Versus

1. State of Maharashtra,
Through Investigation Officer
Crime No.0259/2025, Pachod Police
Station, Tq. Paithan,
Dist. Aurangabad (Rural)
2. Nitesh Damodhar Londhe,
Age: 27 yrs., Occu.: Agri,
R/o. At Limbgoan, Post. Thergaon,
Tq. Paithan, Dist. Chh. Sambhajinagar. ... Respondents

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Mr. Sandeep B. Rajebhosale, Advocate for the Appellants.

Mr. G. O. Wattamwar, APP for Respondent No.1-State.

Mr. Bhagwan K. Gaikwad, Advocate for Respondent No.2 (through V.C.).

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CORAM : SUSHIL M. GHODESWAR, J.

RESERVED ON : 22nd SEPTEMBER, 2025

PRONOUNCED ON: 26th SEPTEMBER, 2025

JUDGMENT:-

1. The Appellants are praying for quashing and setting aside the order passed by learned Special Judge, (Under SC&ST Act), Paithan, Taluka Paithan, District Aurangabad in Criminal Bail Application No.102 of 2025 and further praying for release them on anticipatory bail. The said order came to be passed in Crime No.259 of 2025, registered on 9th July 2025 at Pachod Police station, Taluka Paithan, District Aurangabad for the offences punishable under Sections 189(2), 191(2), 115(2), 352, 351(3) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Crime No.259 of 2025 is registered on the basis of report lodged by Nitesh Damodhar Londhe (Respondent No.2) on 9th July 2025 at 20:59 hours.

2. As per the oral report, Respondent No.2 stated that on 9th July 2025 at 11:30 a.m., he along with his nephew-Aniket Raju Londhe were going towards Pathardi for refilling the petrol. At that time, all

nine Accused persons (Appellants) came to him and started abusing on the basis of their caste. They also alleged to have assaulted by fist and kick blows and threatened to kill them. In the meantime, his nephew-Aniket Londhe came there. However, he was also beaten and they snatched Rs.50,000/- from his pocket and, therefore, he lodged the report with the Pachod Police Station.

3. Learned Advocate for the Appellants submitted that after registration of the aforesaid Crime No.259 of 2025, on next date i.e. on 10th July 2025, offence punishable under Sections 310(2) of the Bharatiya Nyaya Sanhita, 2023 came to be added. He further submitted that prior to Registration of Crime No.259 of 2025, two earlier crimes came to be registered i.e. FIR No.257 of 2025 at 19:12 hours and Crime No.258 of 2025 at 20:01 hours. In the FIR No.257 of 2025, it is alleged that on 9th July 2025 at 12:00 noon, Respondent No.2-Informant along with his Co-accused have physically assaulted the complainant and snatched Rs.5,000/- from him. In the said FIR, it is specifically stated that Respondent No.2 had threatened the complainant therein of filing the atrocity case against them. Another Crime No.258 of 2025 is lodged by Jitesh Ganesh Vavhal, who reported that on 9th July 2025 at 11:30, when he was having tea in front of grocery shop of village, the Accused persons therein including one-Pravin Gorakhnath Hingale have abused him by referring to his caste

and, therefore, offences under Sections 189(2), 191(2), 115(2), 352, 351(3) of the BNS and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC & ST (Prevention of Atrocities) Act, 1989 are registered against Accused persons. Thereafter to counter blast the said FIR, again third FIR bearing Crime No.259 of 2025, at the instance of Respondent No.2 came to be filed with colourful and concocted story just to increase the gravity of the offence. According to Mr. Rajebhosale, learned Advocate for the Appellants, deliberately false case has been registered against them, which would be evident from the fact that Crime No.258 of 2025, it is shown that the said incident took place at grocery shop of village and Accused therein namely, Pravin Gorakhnath Hingale has participated in crime. However, the said Pravin Ingle has been shown present on the spot in both the crime at the same time. Another fact that in Crime No.258 of 2025, it is stated that Accused-Machindra Pandurang Ingle was present, but the said Machindra Ingle is already expired on 1st July 2016 and his death certificate is also relied upon him. Another fact which falsifies the case of the Informant-Respondent No.2 that it is stated in the FIR that he was going to petrol pump located at Limbgaon, Shivaar. However, according to learned Advocate for the Appellants, there is no such petrol pump in the vicinity of Limbgaon, Shivaar. In addition to these submissions, learned Advocate for the Appellants would also submit that the allegations levelled against the Appellants are of general in nature. In chorus, Appellants

have been alleged to have abused to the Informant-Respondent No.2. No specific role of Accused has been stated in the report. Therefore, according to him, no prima-facie case is made out against Accused persons and, therefore, they are entitled for grant of anticipatory bail.

4. Per contra, learned APP vehemently opposed the application and stated that the Appellants are involved in serious crime against the member of Schedule Caste. The investigation in the instant prime is going on. Since the Appellants are involved in serious crime, therefore, there custodial interrogation is necessary. Therefore, he prayed for rejection of instant appeal.

5. I also heard learned Advocate for Respondent No.2, who vehemently opposed the application for grant of anticipatory bail to the Appellants. According to him, the Appellants are influential persons of the village. They have committed serious offences against the persons belonging to the alleged act of the Appellants, there is fear in the mind of the members of Schedule Caste persons. If Appellants are granted anticipatory bail, they may threaten the witnesses. As such granting anticipatory bail would create adverse impact on the minds of persons belonging to Schedule Caste. He, therefore, prayed for rejection of the anticipatory bail.

6. On the basis of submissions made by learned Advocates for the respective parties and after going through the papers, it is pertinent

to mention here that there are three FIRs filed out of same incident and Crime No.259 of 2025 is filed in an attempt to counter blast previous crimes. The bare perusal of all the FIRs would reveal that out of the same incident, three reports have been filed deliberately to falsely implicate the Accused persons. The presence of same Accused is shown at two different locations. The registration of crime against the Accused, who is dead in the year 2016 is also very surprising and as such, therefore, it can be safely concluded that no prima-facie case is made out against Accused-Appellants.

7. In view of the observations made by Hon'ble Apex Court right from the judgment of *Pruthvi Raj Chauhand Vs. Union of India*, reported in (2020) 4 SCC 727, *Shajan Skaria Vs. State of Kerala & Anr*, reported in 2024 LJSoft (SC) 758, it is for the Court to verify the contents of the FIR and thereafter to arrive at a conclusion as to whether a prima-facie case against the Appellants-Accused is made out or not. Once it is found that no prima-facie case is made out, the bar under Section 18 of the Act is not attracted.

8. In that view of the matter, since I find that since no prima-facie case is made out against the Appellants, therefore, following order is passed:-

A] Appeal is allowed. The impugned order dated 22nd July 2025 passed by learned Special Judge, (Under SC&ST

Act), Paithan, Taluka Paithan, District Aurangabad is quashed and set aside.

- B] In the event the Appellants are arrested in connection with Crime No.259 of 2025, registered on 9th July 2025 at Pachod Police station, Taluka Paithan, District Aurangabad, they shall be released on bail on furnishing PR bond of Rs.25,000/- with one or two sureties each in the like amount.
- C] The Appellants shall remain present before the investigating officer as and when required by the investigating officer.
- D] The Appellants shall co-operate with the investigation.
- E] The Appellants shall not influence or threaten the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

9. Appeal stands disposed of in view of above order.

(SUSHIL M. GHODESWAR, J.)