



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 583 OF 2025

VISHNU VTTHALRAO PANKHADE,
RAHUL UDDHAVRO UGALE AND
RAMESHWAR VITTHALRAO PANKHADE

VERSUS

THE STATE OF MAHARASHTRA AND
UJWAL MAHADEV SUTAR

...

Shri Sachin Subhash Panale, Advocate for the Appellants.
Shri Sunil B. Jadhav, APP for Respondent No.1/State.
Shri Dhas Bhaskar Laxman, Advocate for Respondent No.2.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 30 September, 2025

P. C. :-

1. By this appeal, the appellants pray for grant of anticipatory bail in connection with FIR bearing Crime No.414/2025 registered with Georai Police Station, Beed, for offences punishable under Sections 115(2), 351(2), 351(3), 352, 3(5) of the Bharatiya Nyay Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Atrocities Act').

2. The said FIR was lodged by respondent No.2/ informant on 10.07.2025 alleging therein that on 24.05.2025 at 11:00 PM in evening, when the informant was going on his motorcycle to bring medicines for his mother, at that time, appellant No.1 (Vishnu) came from wrong side on his four wheeler and hit his motorcycle forcing him to take his vehicle roadside. At that time, the informant shouted by asking him to drive vehicle slowly whereupon, appellant No.1 got down from his vehicle and started abusing the informant and also slapped him. Since appellant No.1 was under influence of liquor, therefore, passerby people pacified quarrel between them.

On next day i.e. on 25.05.2025 in morning at about 11:00 AM, one Prabhu Tatya Misal called on mobile of the informant and asked him to come to Hotel Anand near Mondha Naka, Georai to settle yesterday's dispute. Accordingly, the informant went to the said hotel where, three appellants along with Prabhu Tatya Misal and Ranjit Sarate were present. However, appellant No.1 (Vishnu) started abusing the informant by referring to his caste and slapped him on his face. At that time, other accused persons also abused the informant by

referring to his caste and also threatened to kill him. When the accused persons were leaving the spot, at that time, appellant No.3 (Rameshwar) threatened the informant that if the complaint is filed against them, they would kill him. Accordingly, the informant lodged the report.

3. Apprehending arrest, the appellants filed Criminal Bail Application No.705/2025 for grant of anticipatory bail, however, same has been rejected by learned Additional Sessions Judge, Beed, vide order dated 23.07.2025. Hence, this appeal.

5. Learned advocate for the appellants submitted that the appellants are innocents and they have not committed any offence as alleged in FIR. However, they have been falsely implicated in the said crime. According to him, though the incident took place on 25.05.2025, the report came to be lodged on 10.07.2025. Thus, there is huge delay in lodging the report. On contrary, appellant No.1 had infact filed the complaint against respondent No.2/ informant on 25.05.2025 itself and same came to be registered vide NCR No.428/2025. According to learned advocate, since *prima facie* case against the appellants is not made out, therefore, they are entitled for grant of anticipatory

bail.

6. *Per contra*, learned APP for the State submitted that admittedly, respondent No.2 belongs to Scheduled Caste community and initially he tried to lodge report against the appellants, however, same was not registered. He, therefore, approached the Superintendent of Police on 25.05.2025 itself. Since the Police had not taken any action, he again approached to the Police Inspector, Georai Police Station by filing his complaint on 05.06.2025. The Police thereafter, inquired into complaint of respondent No.2 and finally, the FIR came to be registered against the appellants. Thus, entire delay is attributed to inaction on the part of police authorities. According to learned APP, custodial interrogation of the appellants is necessary to ascertain full motive behind targeted abuse, to identify and corroborate the statements of witnesses present at the spot of incident. It is also necessary to see that the appellants should not threaten witnesses. Considering allegations in FIR, the appellants are not entitled to be released on anticipatory bail and hence, their appeal be rejected.

7. Learned advocate for respondent No.2/ informant

submitted that the FIR clearly discloses commission of offence and also complete chain of events constituting alleged offences. The informant has categorically stated in his complaint specific words and abuses uttered by the appellants in presence of several witnesses. He, therefore, prayed for rejection of the appeal.

8. After considering submissions of the parties and perusing the investigation papers produced by learned APP, it is revealed that respondent No.2 belongs to Scheduled Caste community. The appellants called the informant at hotel and under the garb of settling the matter, abused and beaten him by referring to his caste. The appellants during the said conversation have insulted and humiliated the informant by referring to his caste. It is specifically stated in the complaint that they humiliated the informant in presence of several witnesses by saying that he has no right to lodge the complaint against the appellants because he belongs to Scheduled Caste category. The appellants have also threatened him that if he lodges the complaint, they would kill him.

9. Learned APP has handed over the investigation papers during the course of hearing of instant appeal. The

statements of independent witnesses, who were present at hotel, came to be recorded. The said statements support the case of the informant. The said witnesses categorically stated that the appellants have abused the informant by referring to his caste and have also threatened to kill him if he lodges any report against them. Since there are independent witnesses to the incident and ingredients of FIR show *prima facie* commission of offences by the appellants under provisions of the Atrocities Act, they are not entitled for grant of anticipatory bail.

10. During the course of hearing, learned advocate for the appellants has heavily relied upon paragraph No.6 of the judgment of Honourable Supreme Court in ***Kiran vs. Rajkumar Jivraj Jain and another, reported in 2025 SCC Online SC 1886.*** However, in the present case, bare perusal of ingredients of FIR would disclose commission of offences under the Atrocities Act by the appellants and, therefore, this judgment will not come to rescue the appellants. On the contrary, paragraph No.7 of the said judgment discloses commission of offence in that case, which is somewhat identical in nature with the crime in the instant case. In that case, the Honourable Supreme Court was pleased to set

aside the order passed by the High Court and cancelled anticipatory bail granted to the accused therein. Thus, the ruling cited by the appellants is not applicable to the instant case.

11. In view of the above discussion, the instant Criminal Appeal is rejected.

12. At this stage, learned advocate for the appellants requested for continuation of interim anticipatory bail granted by this Court vide order dated 01.08.2025. However, learned APP opposed this request contending that though crime is registered on 10.07.2025, there is no progress in investigation as the accused persons are absconding.

13. Perusal of available material on record *prima facie* reveals commission of offence under the Atrocities Act. The appellants are absconding and there is no progress in investigation. Hence, the prayer for continuation of interim relief is rejected.