



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 594 OF 2025

NARAYAN WAMANRAO SAWANT,
ANKUSH NARAYAN SAWANT,
PANDURANG ANKUSH SAWANT,
AND
RAGHUNATH NARAYAN SAWANT

VERSUS

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THE STATE OF MAHARASHTRA AND
NARHARI GYANOJI ASORE

...
Shri Deshpande Chaitanya C., Advocate for the Appellants.
Shri Sunil B. Jadhav, APP for Respondent No.1/State.
Shri Rahul M Gaikwad, Advocate (appointed), for Respondent
No.2.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 25 September, 2025

P. C. :-

1. By this appeal, the appellants pray for quashment of the order dated 14.07.2025 passed by the learned Additional Sessions Judge, Basmathnagar, in Criminal Bail Application No.150/2025, by which, the said application for grant of anticipatory bail, is rejected.

2. The above bail application was preferred in Crime

bearing FIR No.404/2024 registered on 04.09.2024 with Hatta Police Station, District Hingoli for the offences punishable under Sections 504, 506 r/w 34 of the Indian Penal Code and Sections 3(1)(b), 3(1)(r) and 3(1)(s) 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 (Narhari Gyanoji Asore).

3. In the FIR, it is alleged that house of Vitthal Dajiba Sawant is located towards western side of the Informant's house. When the informant was constructing house, said Vitthal Dajiba Sawant prevented him from constructing common adjacent wall on his side, therefore, there is gap between two walls and as such, small space towards western side remained as open space. According to the informant, the accused started discharging obnoxious substances in said open space, which resulted in lot of hardship to the informant. When on 09.02.2024, the informant complained about same to the accused, at that time, the accused humiliated him by referring to his caste and they alleged to have threatened to kill him. Therefore, the informant approached the Police Station, however, no action was taken. As such, he

approached the learned JMFC by filing private complaint. The learned JMFC was pleased to issue the order under Section 156(3) of the Code of Criminal Procedure. On the basis of the said order, the FIR came to be registered.

4. According to learned advocate for the appellants, the complaint filed by the informant is mainly to harass them. FIR is outcome of civil dispute between the parties bearing RCS No.244/2022 pending before the learned Civil Judge, Junior Division, Basmathnagar. There is delay in lodging FIR and no proper explanation is given for same. He submitted that there is open space and Gram Panchayat road and therefore, if at all any complaint for wastage water or garbage has to be made, same ought to be made to the Gram Panchayat. Therefore, the appellants cannot be said to be persons liable for throwing obnoxious substance. According to him, investigation in crime is already over and the charge-sheet is also filed, therefore, custodial interrogation of the appellants is not at all required. He, therefore, prayed for grant of anticipatory bail.

5. Learned advocate for respondent No.2/ informant during course of hearing of this application, submitted that

during pendency of this application, wastage/ garbage which was created by the accused persons, has been removed and as such, the parties have no grievance as regards same.

6. In the facts and circumstances as recorded above and since investigation is over and the charge-sheet is filed, so also, the garbage/ obnoxious substance, which is the main cause of dispute between the parties, has also been removed and respondent No.2/informant has no grievance about the same, at this *prima facie* stage, I am inclined to grant anticipatory bail to the appellants. Hence, the following order:

ORDER

a) The Criminal Appeal stands allowed and the impugned order dated 14.07.2025 is quashed and set aside.

b) In the event of arrest of the appellants in connection with Crime bearing FIR No.404/2024 registered on 04.09.2024 with Hatta Police Station, District Hingoli for the offences punishable under Sections 504, 506 r/w 34 of the Indian Penal Code and Sections 3(1)(b), 3(1)(r) and 3(1)(s) 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 and shall attend trial on the dates fixed by the concerned Sessions Judge.

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

7. Learned advocate for respondent No.2 was appointed through the High Court Legal Aid Services, Sub-Committee, Aurangabad. He shall be entitled for fees as per Rules.

8. 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.