



**This Order is Speaking to Minutes order of order dated //**

**- 1 -**

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

**CRIMINAL APPEAL NO.600 OF 2025  
(Keshav s/o Govindrao Deshmukh and another Vs. The State of  
Maharashtra and others)**

**Ms.Pooja K.Apache, Advocate for respondent No.3 (appointed)**

**( CORAM : SUSHIL M. GHODESWAR, J. )**

**DATE : 20 NOVEMBER, 2025**

**PER COURT :**

1. This is a motion for “speaking to the minutes” of the order dated 17.11.2025.
2. The learned Advocate for respondent No.3 submits that she is appointed Advocate for respondent No.3 and in the final order dated 17.11.2025, her fees is not quantified. He prayed for correction in the order dated 17.11.2025 to that effect.
3. Heard the learned Advocate for respondent No.3. Vide order dated 15.09.2025, she is appointed by order of this Court. Hence, the motion is allowed. Corrections to that effect be made in the

- 2 -

separate final paragraph of order dated 17.11.2025.

( SUSHIL M. GHODESWAR, J.)

(Order dated 17.11.2025 is corrected and uploaded in view of the order dated 20.11.2025 passed on the motion for speaking to the minutes of the order.)

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

**23 CRIMINAL APPEAL NO. 600 OF 2025**

1. Keshav s/o Govindrao Deshmukh,  
Age; 60 years, Occ; Agri,
2. Madhav s/o Govindrao Deshmukh,  
Age; 55 years, Occ; Agri,

Both R/o Dhanegaon, Nanded,  
Tq. & Dist. Nanded.

...APPELLANTS.  
(Orig. Accused)

**VERSUS**

1. The State of Maharashtra,  
Through Superintendent of Police,  
Nanded.
2. The Police Station Officer,  
Nanded Rural Police Station,  
Tq. & Dist. Nanded.

3. XYZ

...RESPONDENTS.  
(Resp. No. 3 Orig. Informant)

- 3 -

...  
Advocate for Appellants : Mr. Shailendra S. Gangakhedkar  
APP for Respondents/State : Ms. Anuradha S. Mantri  
Advocate for Respondent No. 3 : Ms. Pooja Kishor Apache (appointed)  
...

**CORAM : SUSHIL M. GHODESWAR, J.**

**DATE : 17.11.2025**

**PER COURT :**

1. The appellants are challenging the orders dated 23.07.2025, passed by the Additional Sessions Judge-1, Nanded, District Nanded (under SC and ST Act), in Criminal Bail Application No. 590 of 2025, wherein, the application for grant of anticipatory bail of the appellants came to be rejected. The appellants also prays for granting anticipatory bail by confirming the earlier ad-interim bail before this Court.

2. The informant has alleged that, on 12.06.2025 at 9.22 p.m., when she had gone to her house, at that time, the accused persons including the present appellants had arrived at her home. They humiliated her on the account of her caste and also alleged to have outraged her modesty. Hence, she lodged report against appellants to Nanded Rural Police Station on 13.06.2025. On the basis of said report Crime No. 564 of 2025 came to be registered at

- 4 -

Nanded Rural Police Station, District Nanded for the offence punishable under Section 74, 115(2), 3(5) of the Bhartiya Nyaya Sanhita and under Sections 3(1)(s), 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. According to the appellants they are innocent and they have been falsely implicated in this Crime. Mr. Gangakhedkar, learned Advocate for the appellants has tried to canvass before this Court that the appellants are the owners of the land Survey No. 95/1/3 and 112/3 situated at village Dhanegaon, Tq. And District Nanded. In respect of said land the appellants had filed a complaint in the office of Deputy Registrar, Co-Operative Society, Nanded, on 07.02.2025, stating that the land in question is illegally transferred through layout plots to the members of one Tirupati Co-operative Housing Society, Ltd., Dhanegaon, Taluka and District Nanded. Mr. Gangakhedkar, further submitted that the appellants are prosecuting said Society by filing Regular Civil Suit No. 470 of 2019. Though the said suit was dismissed in the year 2023, however, the appellants have moved an application for restoration of the said suit, which is pending before the Civil Judge, Junior Division, Nanded. According to him, there are various complaints on the basis of such disputed land. He further submitted that on 08.05.2025 the appellants had

- 5 -

also lodged a Crime No. 438 of 2025 against the Office Bearers of the concerned Society and certain other accused persons, who are interested in the said plots. He states that respondent No. 3-Victim was also instrumental in grabbing the said land belonging to the appellants. So, out of the said controversy, respondent No. 3 in collusion with other plot owners of said society lodged a report against the appellants. Thus, he submits that the said Crime is nothing but a counter blast to FIR registered by the appellants.

4. Mr. Gangakhedkar, learned Advocate for Appellants also pointed out that the co-accused i.e. the brother of the appellants namely Maruti and Navnath were arrested in connection with the above said crime and vide order dated 30.06.2025, they have been enlarged on regular bail by the Additional Sessions Judge, Nanded. He further contends that as the most of the investigation is completed and the dispute between the parties is of a civil in nature, therefore, the appellants be granted anticipatory bail by confirming their ad-interim protection. His further submission as regards the merits in the matter is that the appellants alleged to have abused the victim in chorus without specifying their individual role and further that the incident is not taken place at the public place within the meaning of the public view. As such, bar under Section 18 of the SC

- 6 -

and ST Atrocities Act is not applicable in the present matter. He, therefore, prays for the allowing the present appeal.

5. On the contrary, Ms. Mantri, learned APP has strongly opposed the instant appeal. She submits that there are statements of various witnesses in support of the prosecution. The present appellants are evaded their arrest by absconding since the registration of the crime. The appellants have abused and insulted the member of Scheduled Caste category and also committed crime by outraging the modesty of a women. As such, prima-facie a case is made out against the appellants and therefore, in view of bar under Section 18 of the Act the instant appeal may not be entertained and accordingly she prays for rejection of the same.

6. I have also heard the learned Advocate for respondent No. 2-the informant. He reiterated the submissions of the learned APP. He further submits that the appellants are belonging to the influential community and if they have been granted anticipatory bail, there are chances of threatening to the prosecution witnesses and prays for rejection of the instant appeal.

7. The Crime No. 564 of 2025 is registered on the basis of a

- 7 -

report lodged by respondent No. 3-informant on 13.06.2025. The date of the incident is 12.06.2025, at 21.22 hrs., whereas, the spot of incident is near the house of the informant at Dhanegaon, Taluka and District Nanded. The co-accused persons namely Maruti and Navnath came to be arrested on 17.06.2025 and the Special Court vide its order dated 30.02.2025 already released them on regular bail.

8. The learned APP made available the investigation papers to this Court. On scrutiny of the said papers, it discloses that the investigation is almost completed and the mere filing of the charge-sheet is remained. There appears to be previous enmity between the informant and appellants on account of plots belonging to one Tirupati Co-Operative Housing Society, Ltd., Dhanegaon. The said disputed land alleged to have been belonging to the appellants and therefore, there are various litigations lodged by the appellants against the members of the said society, as well as plot owners. It is, therefore, pertinent to observe that the appellants are at loggerheads with the Complainant and other plot owners and thus the registration of the aforesaid crime is therefore due to previous enmity.

9. The allegations in the FIR would disclose that the appellants in chorus alleged to have abused the informant by

- 8 -

referring to her caste. The informant has not pointed out any specific role of any particular accused/appellant as regards the offences under the atrocity act are concerned. The Investigating Officer during the course of investigation, appears to have recorded statements of certain witnesses, who are neighbours of informant. The statements of witnesses discloses that there was quarrel on account of plots and the accused persons alleged to have abused the informant on her caste also outraged her modesty. The statement of the informant under Section 183 of the Bhartiya Nagari Suraksha Sanhita, 2023, is also came to be recorded before the learned JMFC, Nanded, in which, the informant has stated that the appellants alongwith other accused persons have committed aforesaid crime. However, it discloses that the investigation in the instant Crime is already completed and mere filing of the charge-sheet is remained. There is also no satisfying submission by prosecution as regards need of custodial interrogation of the appellants who have been granted interim protection since long. In this background, the appellants can be granted anticipatory bail by confirming earlier order dated 11.08.2025 by putting certain stringent conditions on them. Hence I pass following order :

### **ORDER**

(1) In the event of arrest of appellants Keshav s/o Govindrao

- 9 -

Deshmukh, and Madhav s/o Govindrao Deshmukh, in Crime No. 564 of 2025, registered at Nanded Rural Police Station, District Nanded, for the offence punishable under Sections 74, 115(2), 3(5) of the Bhartiya Nyaya Sanshita and under Sections 3(1)(s), 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, they shall be released on bail on furnishing their personal bond of Rs. 15,000/- (Rs. Fifteen Thousand Only) each and one solvent surety each in the like amount on following conditions :

- (i) Appellants shall co-operate the Investigating Officer and shall make themselves available as and when called by the Investigating Officer.
- (ii) Appellants shall not tamper or contact the prosecution witnesses.
- (iii) The appellants shall not enter the village Dhanegaon, Taluka and District Nanded, till filing of the charge-sheet.

10. Needless to say, in case of violation of any of the aforesaid conditions, the anticipatory bail granted to the Appellants 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.

- 10 -

**12. Ms.Pooja K. Apache, the learned Advocate is appointed by this Court vide order dated 15.09.2025, to conduct this matter on behalf of respondent No.3. As this matter is finally decided now, the High Court Legal Aid Sub Committee is hereby directed to quantify the fees payable to the appointed learned Advocate, as per rules.**

**[ SUSHIL M. GHODESWAR, J. ]**

**mahajansb/**