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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.557 OF 2025

1. Sunanda Govind Ugale,
Age-45 years, Occu-Housewife,
R/o Avvalgaon, Tal.Vaijapur,
Dist.Chhatrapati Sambhaji Nagar

2. Jayshri Dnyaneshwar Ugale,
Age-25 years, Occu-Housewife
R/o Avvalgaon, Tal.Vaijapur,
Dist.Chhatrapati Sambhaji Nagar

3. Gayatri Sunil Ugale,
Age-33 years, Occu-Housewife,
R/o Avvalgaon, Tal.Vaijapur,
Dist.Chhatrapati Sambhaji Nagar

4. Mandabai Karbhari Ugale,
Age-47 years, Occu-Housewife,
R/o Avvalgaon, Tal.Vaijapur,
Dist.Chhatrapati Sambhaji Nagar

-- APPELLANTS

VERSUS

1. State of Maharashtra,

2. Sandip Vijay Waghmare,
Age-35 years, Occu-Business,
R/o. Khandala, Dr.Babasaheb
Ambedkar Chowk,
Tq.Shrirampur, Dist.Ahilyanagar

-- RESPONDENTS

CRIMINAL APPEAL NO.625 OF 2025

1. Sunil Karbhari Ugale,
Age-32 years, Occu-Agriculturist,

2. Dnyaneshwar Sudam Ugale,
Age-33 years, Occu-Agriculturist,

3. Govind Kachru Ugale,
Age-53 years, Occu-Agriculturist,
All are R/o Avvalgaon, Tq.Vaijapur,
Dist.Chh.Sambhajinagar

-- APPELLANTS

VERSUS

1. The State of Maharashtra,
Through Police Station Officer,
Virgaon Police Station,
Dist.Chha.Sambhajinagar

2. Sandip Vijay Waghmare,
Age-35 years, Occu-Business,
R/o Khandala, Dr.Babasaheb Ambedkar
Chowk, Tq.Shrirampur, Dist.Ahilyanagar

-- RESPONDENTS

CRIMINAL APPEAL NO.607 OF 2025

Ramkrushna Sudam Ugale,
Age-35 years, Occu-Agriculturist,
R/o Avvalgaon, Tal.Vaijapur,
Dist.Chhatrapati Sambhajinagar

-- APPELLANT

VERSUS

1. The State of Maharashtra,

2. Sandip Vijay Waghmare,
Age-35 years, Occu-Business,
R/o Khandala, Dr.Babasaheb Ambedkar
Chowk, Tq.Shrirampur,
Dist.Ahilyanagar

-- RESPONDENTS

CRIMINAL APPEAL NO.608 OF 2025

Aarti Ganesh Ugle,
Age-32 years, Occu-Housewife,
R/o Avvalgaon, Tal.Vaijapur,
Dist.Chhatrapati Sambhajanagar

-- APPELLANT

VERSUS

1. The State of Maharashtra,

2. Sandip Vijay Waghmare,
Age-35 years, Occu-Business,
R/o Khandala, Dr.Babasaheb Ambedkar
Chowk, Tq.Shrirampur,
Dist.Ahilyanagar

-- RESPONDENTS

CRIMINAL APPEAL NO.617 OF 2025

Sagar Keshav Ugale,
Age-25 years, Occu-Agriculturist,
R/o Avvalgaon, Tq.Vaijapur,
Dist.Chh.Sambhaji nagar

-- APPELLANT

VERSUS

1. The State of Maharashtra
Through Police Station Officer,
Virgaon Police Station,
Dist.Chh.Sambhajanagar

2. Sandip Vijay Waghmare,
Age-35 years, Occu-Business,
R/o Khandala, Dr.Babasaheb Ambedkar
Chowk, Tq.Shrirampur,
Dist.Ahilyanagar

-- RESPONDENTS

Mr.S.P.Nimbalkar, Advocate for the appellants in Criminal Appeal Nos. 557/2025, 607/2025 and 608/2025.

Mr.D.R.kale h/f Mr.Amol A.Pawar, Advocate for the appellants in Cri.Appeal No.617/2025.

Mr.D.R.Kale, Advocate for appellant in Cri.Appeal No.625/2025.

Mr.G.O.Wattamwar, APP for the Respondent/State.

Mr.Sandip Andhale, Advocate for respondent No.2 in all appeals. (Appointed)

(CORAM : SUSHIL M. GHODESWAR, J.)

**RESERVED ON : 23 SEPTEMBER 2025
PRONOUNCED ON : 30 SEPTEMBER 2025**

PER COURT :

1. Heard the respective learned Advocates for the respective parties and the learned APP in all these appeals.

2. Since the appeals are arising out of one crime i.e. 172/2025 dated 04.06.2025 of Virgaon Police Station, Tal.Vaijapur, Dist. Aurangabad, the instant appeals are being disposed of by way of common order. Cri.Appeal Nos. 625/2025, 617/2025 and 607/2025 filed by the appellants are in respect of grant of regular bail whereas Criminal Appeal Nos. 557/2025 and 608/2025 are in respect of

anticipatory bail. The learned Sessions Court since rejected their bail applications, these appeals came to be filed before this Court u/s 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Registration of Crime No.172/2025, is at the behest of respondent No.2 Sandip Vijay Waghmare, R/o Khandala, Dr.Babasaheb Ambedkar Chowk, Tq.Shrirampur, Dist.Ahilyanagar. The appellants are resident of village Avvalgaon, Tq.Vaijapur, Dist.Chh.Sambhajinagar, whereas village of the respondent/informant is on the other shore of Godavari river, which is falling under Ahilyanagar district. There are criminal cases filed against both the parties at respective police stations which are pertaining to theft of sand by both the sides. It also seems that there is longstanding dispute between the appellants and the respondent/informant side as regards sand transportation. Respondent/informant Sandip Waghmare appears to have quarreled with one Ganesh Ugale on account of transporting the sand from the land adjacent to said Ganesh's agricultural field. The said Ganesh Karbhari Ugale was beaten by the respondent/informant on 12.11.2024, due to which said Ganesh has filed report at police station Virgaon. In the said crime, the respondent/informant and his companions were granted bail.

3. It is also pointed out by the learned Advocate for the appellants that on 30.05.2025, at about 10.30 p.m. the respondent/informant alongwith 30 to 40 persons, had entered village Avvalgaon Tahsil and started destroying the vehicles belonging to Ganesh Ugale and Sagar Ugale. They also entered in the premises of said Ganesh Ugale. One companion of respondent/ informant Sandip Waghmare namely Sajid Shaikh appears to have assaulted one labourer namely Bhaurao Jagannath Nikam. During the said incident, the respondent/informant started shouting and asking about the whereabouts of said Ganesh Ugale. He alongwith 5-6 boys entered into the house of Ganesh Ugale. They went inside the bedroom and started misbehaving with the wife as well as mother and sister in law of said Ganesh and they were also beaten. When the villagers gathered in large number at the spot of incident, the other accused who had come alongwith the respondent/informant fled away from the place of incidence. However the villages managed to caught hold Sandip Waghmare and thereafter he was badly beaten by the villagers and when the police came at the spot of incident, the respondent Sandip Waghmare was taken to the Hospital by them. However, on the basis

of the allegations of assault, destruction of the property and snatching cash and ornaments, one cousin of said Ganesh Ugale namely Dnyaneshwar Sudam Ugale (Appellant in Cri.Appeal No.625/2025), lodged the report, which came to be registered at Crime No.169/2025, at Police Station Virgaon. The said crime alleged to have taken place at 10.30 p.m. on 30.05.2025, which came to be registered at Virgaon Police Station.

The respondent/informant Sandip Waghmare having been injured, lodged report on 04.06.2025 against the appellants regarding the incident dated 30.05.2025. Short summary of the said crime is that the respondent/informant had gone to village Avvalgaon on 30.05.2025 at 07.00 p.m. alongwith his friend namely Sajid Shaikh and 2 unknown friends to meet his uncle Babasaheb Wagh. According to him, after staying there for about 1 ½ hour, when they had stopped near the temple of Avvalgaon village, at that time, the appellants and other villagers came there and on account of old dispute, they started threatening him and abused him by referring to his caste. The said appellants/accused persons alleged to have dragged him towards the house of one Ugale. The other friends accompanying him ran away from the spot. The villagers have started assaulting him by sword and

iron pipes, due to which he received grievous injuries. The villagers have also assaulted him by fists and kick blows and one accused namely Govind alleged to have urinated on his person. They all in chorus abused him on the basis of his caste. He further alleged that the accused persons snatched golden ornaments and cash of Rs.25,000/- alongwith his mobile. Thereafter, the Police arrived and they took him to the Government Medical Hospital, Vaijapur and thereafter to the Ghati Hospital, Chh.Sambhajanagar for further treatment.

4. It is also brought to the notice of this Court that there are various criminal cases pending against the respondent/informant and as such he is an habitual offender.

5. After registration of Crime No.172/2025, the investigation was handed over to the Sub Divisional Police Officer of Vaijapur, since the offence pertaining to the The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were referred. During the course of investigation, the police have drawn the spot panchnama and also obtained the medical certificates of respondent/informant Sandip Waghmare. The statements of villagers have been recorded. The

accused in Cri.Appeal Nos.607/2025, 617/2025 and 625/2025 came to be arrested. After collecting the necessary evidence and document and also recording the statements of witnesses, the Police have filed charge sheet on 31.07.2025.

6. In the aforesaid backdrop, the learned Advocate for the appellants submits that since the incident took place on account of previous enmity between the respondent/informant and one Ganesh Ugale, FIR No.172/2025 has been filed by the respondent/informant in order to counter blast to the FIR No.169/2025. Though he was not seriously injured, he had taken 5 days to lodge the FIR, which is unexplained. The learned Advocate for the appellants submits that since the investigation in the crime is already over, the custody of the appellants is not required. The appellants have been falsely implicated due to personal rivalry. Since the investigation is complete, there is no point in keeping the appellants / accused behind bar. The appellants are agriculturists by profession and their absence is causing tremendous loss to their profession. It is also submitted that it is the respondent/informant, who is facing many criminal cases and due to which frequent disputes are going on and accordingly they prayed for

allowing their appeals.

7. Per contra, the learned APP vehemently opposed the appeals. According to him, the appellants have assaulted the respondent/informant by deadly weapons, due to which he has sustained grievous injuries and required to be hospitalized for the period of 5 days. Therefore, the respondent/informant could not lodge the report of the incident immediately. He further stated that the appellants are involved in serious crimes against the member of the Scheduled caste and as such the appellants/accused are not entitled for any relief. The learned APP also submits that some of the appellants are also facing criminal cases of offences u/s 379 of the IPC, registered at Virgaon police Station. He also submitted that recovery of the weapons has been made from accused No.1 Sunil Ugale and accused No.4 Dnyaneshwar Ugale. He submitted that the offences registered against the appellants are serious in nature and punishable upto punishment of 10 years or imprisonment of life. Hence, he prayed for rejection of the appeals.

8. The learned Advocate (appointed) for the respondent/

informant also strongly opposed the appeals saying that the respondent/informant was badly injured due to the assault and since the respondent/informant is belonging to the Scheduled Caste, the appellants have indulged into the offences pertaining to The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Since there is material against the appellants in the charge sheet, the appellants are not entitled for grant of bail.

9. After considering the rival submissions of the learned Advocates for the parties and going through the charge sheet of Crime No.172/2025, it is crystal clear that the said FIR is filed by the respondent / informant on 04.06.2025 regarding the incident which alleged to have taken place on 30.05.2025. Admittedly, he was hospitalized in the Government Medical Hospital for the serious injuries received by him during the said attack. There is also an incriminating material as regards the assault made on him against some of the appellants who were arrested by the police. The said appellants came to be arrested on 06.06.2025 i.e. immediately after lodging of the FIR on 04.06.2025. One of the appellants was arrested on 24.07.2025. Rest of the appellants have approached for grant of anticipatory bail

and they have been protected by this Court.

10. After going through the charge sheet, it is crystal clear that the investigation as regards recovery of weapons is already over. As such, there is no requirement of custody of the appellants who were staying in other village belonging to Police station Vaijapur of Chh.Sambhajinagar. The informant, as stated earlier, is staying in the village, which is falling under the Ahilyanagar district, which is located on the other side of Godavari river. Previous FIR lodged by the appellants side discloses that it is the informant/respondent, who is involved in the cases of theft of sand and on account of the same, he is indulged in committing crimes. Since appellants are on ad-interim protection, therefore there is no harm in considering their appeals for grant of anticipatory bails. The appellants in Criminal Appeal No.557/2025 and 608/2025 have been granted ad-interim protection by this court and all are ladies. As their custody is not required by the Investigating Officer, therefore their appeals can be allowed and they can be granted bail. Criminal Appeals Nos.607/2025, 617/2025 and 625/2025 are for grant of regular bail to the appellants. As referred above, the custody of these appellants is not required and the

investigation in the instant crime is already over. Therefore, these appeals for grant of regular bail can be considered positively. Hence, following is the order :-

O R D E R

[a] Criminal Appeal Nos. 557/2025, 607/2025, 608/2025, 617/2025 and 625/2025 stand allowed.

[b] The Appellants in Criminal Appeal Nos.625/2025, 617/2025 and 607/2025, in connection with Crime No.172/2025, registered with Veergaon Police Station, Tq. Vaijapur, Dist.Aurangabad for the offences punishable under Sections 119(1), 118(2), 118(1), 115(2), 189(2), 191(2), 191(3), 190, 352, 351(2), 351(3) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, shall be released on bail on their furnishing PR bond of Rs.15,000/- (Rs.Fifteen Thousand only) each, with one solvent surety /security in the like amount.

[c] In the event of arrest of the appellants in Criminal Appeal Nos. 557/2025 and 608/2025, in connection with Crime No.172/2025, registered with Veergaon Police Station, Tq.Vaijapur, Dist.Aurangabad for the offences punishable under Sections 119(1), 118(2), 118(1), 115(2), 189(2), 191(2), 191(3), 190, 352, 351(2), 351(3) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, shall be released on bail on their furnishing PR bond of Rs.15,000/- (Rs.Fifteen Thousand only) each, with one solvent

surety /security in the like amount.

[d] The appellants shall attend the concerned Police Station as and when required by the Investigating Officer.

[e] The appellants shall not try to contact or pressurize the witnesses or the informant, in any manner whatsoever.

[f] The appellants shall furnish details of residential address and other contact details such as the mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately informed to the concerned police station.

[g] It is made clear that the observations made in this order are *prima facie* in nature, only for the purpose of adjudication of these appeals.

10. As, the learned Advocate Mr.Sandip Andhale is appointed through the High Court Legal Aid Services Authority, Sub Committee, Aurangabad for respondent/informant, the Committee is requested to quantify the fees payable to the learned Advocate as per rules.

(SUSHIL M. GHODESWAR, J.)