



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 659 OF 2025

NARAYAN SHIVAJI GAIKWAD,
ASHOK BANDU GAIKWAD,
NAMDEV MAROTI GAIKWAD AND
SARJERAO SUBHASH GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA AND
RAJARAM DAJIBA SIRSATH

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Shri Krushna S. Solanke, Advocate h/f Shri Naik Sarvesh Jaipal,
Advocate for the Appellants.

Shri D.B. Bhange, APP for Respondent No.1/State.

Shri Salve Pavankumar Vishnu, 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 are praying for grant of anticipatory bail in connection with Crime No.255/2025 registered with Majalgaon Police Station (Rural), District Beed, for offences punishable under Sections 3(v), 3(2), 3(1)(a), 3(1)(s), 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Atrocities Act') and under Sections 351(3), 351(2), 352, 127(2), 191(3),

191(2), 190, 189(2), 119(1) and 118(2) of the Bharatiya Nyaya Sanhita, 2023.

2. Respondent No.2/ informant has lodged the above report with Majalgaon Police Station on 12.07.2025 stating therein that on 11.07.2025 at about 10:00 hours, he left for agricultural field at village Paytalwadi. When he was in field, at about 11:30 AM, he received phone call from his agricultural servant Vishwanath Pandit informing that one contractor (Mukadam) Shaikh Raju Shaikh Babu has taken Vishwanath towards cremation ground and he is being assaulted and asked the informant to come immediately. At that time, when the informant asked Vishwanath to give phone to Mukadam, the said Mukadam Shaikh Raju Shaikh started abusing the informant on phone in filthy language. Since Mukadam was abusing, the informant switched off phone. After 10 minutes, Vishwanath again called the informant and told that Shaikh Raju Shaikh is assaulting him badly. When the informant asked Vishwanath to give phone to Mukadam Shaikh Raju Shaikh, at that time, Mukadam told the informant that the said Vishwanath had taken advance of Rs.1.5 lacs from him and return the said amount and

take Vishwanath back. At that time, the informant told Mukadam that he will come. Thereafter, the informant along with son of Vishwanath i.e. Balu Pandit came to home and the informant took Rs.1.5 lacs from cupboard and proceeded towards village Lahul in auto-rickshaw. While going towards said place, four persons, who were present near Government Hospital at Pathrud along with their motorcycles, stopped auto-rickshaw and asked whether the informant is there in auto-rickshaw. When the informant got down from auto-rickshaw, one of said persons told him that auto-rickshaw will not go towards the place of Mukadam Raju Shaikh and Vishwanath and therefore, they should take their motorcycle. Therefore, the informant and son of Vishwanath took motorcycle and proceeded towards cremation ground at village Lahul. On reaching cremation ground at Lahul, the informant saw Mukadam Raju Shaikh, Vishwanath and two other persons present there. When the informant was paying Rs.1.5 lacs to Mukadam Raju Shaikh, at that time Vishwanath asked him not to pay the said amount as he is not liable to pay that much amount. At that time, Mukadam Raju Shaikh has abused the informant by referring to his caste. Thereafter, 10 to 12 persons came there from nearby bushes of trees and they were

having in their hands sticks, axes, chain and knife. After seeing this, the informant took the revolver of Mukadam which was kept there and tried to flee away from spot. At that time, the persons gathered there were laughing and they followed the informant. One of said persons pelted stone on head of the informant, due to which, the informant threw revolver. At that time, the said persons caught hold him and started beating him on his different body parts. The said persons and Mukadam Raju Shaikh, thereafter, took the informant towards dam of Majalgaon and there also, they have assaulted him and took away Rs.1.5 lacs from his pocket. When the informant was thirsty and asking for water, three persons out of them had urinated on his face. At that time, the informant's son called him on phone and he informed his son that the accused persons had brought him towards dam. Thereafter, the accused persons took the informant towards village Borgaon. While on way, his son Vijay along with his three friends came there and they relieved the informant from custody of the accused persons. Thereafter, they approached Majalgaon Police Station, who referred him for treatment to the Government Hospital at Majalgaon. Doctors at Majalgaon referred him to Civil Hospital at Beed for further treatment. He

was admitted in ICU at Beed and there, on the basis of his statement, the FIR came to be registered.

3. Apprehending arrest, the appellants filed Criminal Bail Application No.316/2025 for anticipatory bail, however, learned Special Judge (Atrocities Act), Majalgaon, vide order dated 16.08.2025 was pleased to reject the said application. Hence, this appeal.

4. Learned advocate for the appellants submitted that the appellants have not committed any crime as alleged by the informant in FIR. Allegations made by the informant are false, vague and general. They have been falsely roped in FIR. According to learned advocate, even if all allegations in FIR are considered to be true, ingredients of crime are not attracted against the appellants. As the FIR does not constitute any offence against the appellants under the provisions of the Atrocities Act, the bar under Section 18-A will not be applicable. He, therefore, prayed for grant of anticipatory bail.

5. *Per contra*, learned APP submitted that the appellants are involved in very serious crime of not only assaulting and abusing the victims, but also abducting the victims

i.e. informant and Vishwanath. There are serious charges against the appellants and they are absconding since registration of FIR. The main accused is also absconding. Since the appellants and other accused persons are absconding, no progress in investigation has taken place. The informant was referred to civil hospital, where the doctor has issued injury certificate pointing out seven injuries, out of which, one injury is of grievous nature. It has also come on record that the informant was hospitalized for a period of six days. The informant has taken names of the appellants and other accused persons and there is specific role attributed to them. The statements of other eyewitnesses have also been recorded, who have disclosed specific roles of present appellants in crime. Since all accused are absconding, no recovery has been taken. Learned APP, therefore, prayed for rejection of this appeal.

6. Learned advocate for respondent No.2/ informant adopted the submissions of learned APP and strongly opposed this appeal. He specifically stated that the informant was mercilessly beaten by the accused persons. Injury is grievous in nature. Custodial interrogation of the appellants is necessary. He

prayed for its rejection.

7. On the basis of submissions made by learned advocates for respective parties and on perusing the investigation papers handed over to me by learned APP, it is revealed that the incident took place on 11.07.2025 in afternoon and same was reported with the Police Station. The statements of witnesses handed over to me disclose specific role of the appellants in crime. The informant, who had gone to rescue his agricultural servant Vishwanath, was beaten mercilessly by accused persons. There are eyewitnesses to this incident of assault. The witnesses have also seen the informant being taken on motorcycle by accused persons. The medical certificate discloses grievous injury caused to the informant. The appellants are alleged to have used dangerous weapons like sticks, knife, axe and chain and they have snatched Rs.1.5 lacs from the informant. Vehicles used by the accused persons during commission of offence, are yet to be seized. There is also reference as regards one revolver, which is yet to be seized. The accused persons are not belonging to Scheduled Caste community and they have allegedly abused the informant by referring to his caste. The informant stated about

some unknown persons involved in crime and to ascertain identity of said unknown persons, the Investigating Officer is required to conduct test identification parade of the accused persons.

8. In view of the aforesaid circumstances, no case for grant of anticipatory bail is made out. This Criminal Appeal, therefore, stands rejected.

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(SUSHIL M. GHODESWAR, J.)