



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 CRIMINAL APPEAL NO. 661 OF 2025

1. Kishor Dhudku Koli (Shirsath)
2. Bharat Dhudku Koli (Shirsath) **...APPELLANTS**

Versus

1. The State of Maharashtra,
Through Shirpur City Police Station,
Dhule,
2. Ujwala Deepak Wadile **..RESPONDENTS**

...

Advocate for Appellants : Mr. Deshpande Chaitanya C.

APP for Respondent No.1/State : Mr. V. M. Lomte

Advocate for Respondent No.2 : Mr. Chaudhari Chetan B.

...

CORAM : SUSHIL M. GHODESWAR J.,

DATE : 18.12.2025

PER COURT :

1. The appellants has challenged for quashing and setting aside the crime vide order 07.08.2025 passed by the learned Sessions Judge wherein their application for grant of regular bail is rejected. Further appellants are praying for grant of regular bail.

2. This Court vide order dated 04.09.2025 already granted the interim bail by this Court.

3. Heard Mr. Chaitanya C. Deshpande, learned counsel for the appellants and Mr. V. M.Lomte, learned APP for the respondent/State and Mr. Chetan B. Chaudhari, learned counsel for respondent No.2.

4. The prosecution case is as under :

The informant/respondent No.2 has lodged report on 04.01.2025 against accused persons. As per the said report, the informant submitted that on 06.12.2024 the accused persons alleged to have abused her on caste and also alleged to have assaulted her with fist and blows. The informant had gone to attend a festival and when she inquired to the accused persons as to why her cousin was beaten, the scuffle took place on the same count and in that scuffle appellants accused persons alleged to have assaulted her and also alleged to have abused her by referring to caste. One accused person also alleged to have outraged her modesty. On the basis of report, the crime No. 10/2025 came to be registered for the offences punishable under Sections 74, 126(2) of the B.N.S. and 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va) of the Prevention of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. Mr. Deshpande, learned counsel for the appellants submits that

initially the appellants were granted anticipatory bail. However, during the pendency of the proceedings of non-cognizable complaint came to be filed against them. At the time of filing of the charge sheet, the learned Sessions Judge asked the appellants to apply for bail and therefore accordingly he applied for bail which came to be rejected. Therefore, the applicants have approached this Court.

6. He further submits that the role to the present appellants is not more incriminating as compared to other accused persons. He further submits that the investigation in crime is already over and custody of appellants is not required. He further submits that though the appellants have been granted interim protection by this Court, they have not misused the liberty. N.C.Report filed against them is mainly in order to cancel the interim protection granted by this Court. He therefore submits that there is no incriminating material against the appellants/accused and therefore the appellants be enlarged on bail.

7. Per contra, Mr. Lomte, learned APP vehemently opposed instant appeal. There is sufficient material against the appellants. The statements of witnesses have been recorded, they have supported the victim. They are belonging to the Scheduled Caste community. The

appellants are influential persons of the village. If they are released on bail, they may threaten the witnesses and tamper with the trial. In that view of the matter, Mr. Lomte learned APP vehemently opposed the instant appeal.

9. Mr. Chaudhari, learned counsel for respondent No.2 also vehemently opposed the instant appeal. According to him, fact that it has lodged N.C. report against the appellants itself shows that the appellants after their release on bail are likely to threaten or create a law and order situation in the village. He further submitted that the victim belongs to the scheduled caste category and the appellants are influential persons in village. The victim by marrying to a person outside of her communities already being targetted. He further submits that if the appellants are granted bail, there is every possibility that they shall threaten the victim and therefore he strongly opposed the instant appeal.

10. After hearing of both the parties and going through the entire material placed before this Court, the report is lodged by respondent victim on 04.01.2025 against the accused persons. The investigation papers discloses the statements of certain witnesses who can be termed

as independent witnesses. Their statements disclosed that it was the victim who started the scuffle with other persons. On the account of attending the festival there appears to have been a quarrel between the appellants and the victim. The victim has lodged the report out of the said quarrel and therefore the investigation was initiated. The charge-sheet is filed against the accused, even otherwise the overt act attributed to the present appellants is based on less incriminating material and the accused persons who had having more incriminating material against them have been granted anticipatory bail. The appellants who were already granted anticipatory bail, who were required to approach the Sessions Court at the time of filing of the charge-sheet merely because N.C. Report was filed against them. Since the material discloses no more incriminating role, therefore I am inclined to consider appeal to grant regular bail to the appellants. Hence, following order :-

ORDER

- a) The Criminal Appeal stands allowed by confirming the order dated 04.09.2025 passed by this Court.
- b) The impugned order dated 07.08.2025 passed by the learned Additional Sessions Judge, Dhule in Special Case No.66/2025, is quashed and set aside.
- c) In the event of arrest of the appellants in connection with Crime

bearing FIR No. 10/2025 registered on 04.01.2025 with Shirpur City Police Station, District Dhule for the offences punishable under Sections 74, 126(2), 115(2), 352, 351(2)(3), 3(5) of Bhartiya Nyyay Sanhita, 2023 and Section 3(1)(w),(i)(ii), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 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.

- d) The appellants shall attend the concerned police station as and when called by the investigating officer.
- e) The appellants shall not try to contact or pressurize the witnesses or the informant, in any manner whatsoever.

(SUSHIL M. GHODESWAR)
JUDGE

shp/-