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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CRIMINAL APPEAL NO.660 OF 2025
(SUDAM LAXMAN KHIRE VS. THE STATE OF MAHARASHTRA AND
OTHERS)**

Mr.S.J.Salunke, Advocate for the appellant.
Mrs.A.S.Mantri, APP for the respondent/State.
Mr.S.R.Zambare, Advocate for respondent No.3.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 25 NOVEMBER, 2025

PER COURT :

1. The present appellant has approached this Court seeking anticipatory bail in the event of his arrest in connection with the offence registered with Wadwani Police Station, Dist.Beed, bearing FIR No.0200/2025 dated 05.08.2025. The offence is registered under Sections 326(f), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(iii) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act), 1989. A challenge is also raised to the orders passed by the learned Special Judge (Atrocities), Majalgaon, Dist.Beed in Bail Application Nos.335/2025 dated 19.08.2025 thereby rejecting his bail

application.

2. On 05.08.2025, the informant lodged the report with the Police Station, Wadwani. As per the said report, she submits that she is having 3 daughters and 2 sons are residing jointly at village Khalwat Limgaon, Tal.Wadwani, Dist.Beed. Her daughters and sons are married. Her daughter Jyoti is residing at her house since two months. She has further alleged in the report that on 24.07.2025, she left her house with her another daughter Rekha. On 25.07.2025, her daughter Jyoti left her house without informing anybody. She was having apprehension that the said Jyoti might have eloped with one Bharat Parse, who is relative of one Sudam Khire, R/o Manjrath, Tal.Majalgaon. Therefore, She asked the applicant Sudam to send her daughter Jyoti back, otherwise she will file police complaint against him.

3. On 28.07.2025 at about 11.00 a.m., informant and husband were present at a house, at that time applicant made call to her husband and stated that they are coming to her house. Thereafter, the appellant made frequent phone calls to her husband and gave threats to kill them. So she called their relative Mr.Kakasaheb Mali.

On 29.07.2025, at about 01.00 a.m. the appellant and one accused Rameshwar Dhanure and other 4 unknown persons came there. The appellant abused her referring to her caste and asked the co-accused to pour petrol and set blaze the cattle shed of the informant and accordingly the co-accused Rameshwar poured petrol on the cattle shed and set it on fire and caused damage to their cattle shed. Thereafter, she lodged report against the accused persons.

4. The learned Advocate for the appellant submits that the appellant is innocent and falsely implicated in this crime. He further submits that the said FIR is registered on the basis of personal grudge and on suspicion that the daughter of the informant namely Jyoti is eloped with his relative Bharat. On the contrary, he further submits that the allegations made against the appellant are vague and general in nature and there is no direct evidence to connect the present appellant with the alleged crime and there are no criminal antecedents against him. He, therefore, requests for anticipatory bail.

5. Per contra, the learned APP vehemently opposed the appeal. According to her, the appellant is involved in the offence of

serious nature. The appellant has abused the informant and victims by referring to their caste. She further submits that if the appellant is released on anticipatory bail, he may tamper with the prosecution witnesses and accordingly prayed for dismissal of the present appeal.

6. The learned Advocate for respondent No.3, while adopting the submissions of the learned APP, submits that the appellant is an influential and powerful person of the village and if he is released on bail, he may threaten and pressurize the prosecution witnesses. He further submits that if the appellant is released on bail, there will be law and order situation in the village and subsequently prayed for rejection of the instant appeal.

7. Heard the learned Advocates and learned APP for the respective parties. The learned APP has made available all the papers regarding the investigation to this Court. On perusal of the record, it reveals that Mr.Kakasaheb Mali, who alleged to have present on the spot, actually in his statement, has virtually admitted that he reached on the spot after the incident. His statement further reflects that he has not seen anything, as stated by the informant. The other documents

also does not support the case of the prosecution. It is also pertinent to note that the appellant has been granted ad interim protection by this Court vide order dated 04.09.2025 and the appellant has co-operated with the investigation as well. There is no complaint against the appellant as regards misuse or non compliance of the terms of ad interim protection granted by this Court. It is also evident from the investigation papers that most of the investigation in the instant crime is already over and mere formality to file a charge sheet is remained. It is also pointed out from the side of appellant that he has not committed any offence falling under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act in view of the recent pronouncement of the Hon'ble Apex Court in the case of **Shajan Skaria Vs. State of Kerala and another [2024 SCC Online SC 2249]**.

8. Therefore, I am of the opinion that the instant appeal can be allowed by confirming the ad-interim protection granted by this Court on 04.09.2025 and quashing and setting aside the order dated 19.08.2025 passed by the learned Special Judge (Atrocities) Majalgaon, Dist.Beed in Bail Application No.335/2025. Accordingly, this appeal stands disposed of, in the following terms :-

[a] In the event of arrest of the appellant, he shall be released on bail in connection with Crime No. 0200/2025 registered with Police Station, Wadwani for the offences punishable under Sections 326(f), 352, 351(2), 351(3), 3(5) of the Bhartiya Nyaya Sanhita and under Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(iii) of the SC and ST (Prevention of Atrocities) Act on furnishing P.R. bond in the sum of Rs. 25,000/- (Rs. Twenty Five Thousand only) with one solvent surety in the like amount.

(b) The appellant shall not enter Taluka Wadwani except for attending Police Station and court hearings.

(c) The appellant shall not try to contact any of the witnesses and the informant and shall not try to pressurize them. He shall co-operate in the investigation. The appellant shall give his residential address, mobile number and other contact details with concerned I.O./Police Station.

(SUSHIL M. GHODESWAR, J.)