



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

CRIMINAL APPEAL NO. 856 OF 2024

Vikas Babasaheb Bade

.. Appellant

Versus

The State of Maharashtra and another .. Respondents

Ms. Sunita G. Sonawane, Advocate for the Appellant.

Shri K. K. Naik, A.P.P. for the Respondent No. 1.

Shri Nitin L. Dhobale, Advocate for the Respondent No. 2 –
appointed through Legal aid.

CORAM : SHAILESH P. BRAHME, J.

DATE : 28TH APRIL, 2025.

FINAL ORDER :

. Appellant is apprehending his arrest in furtherance of offence bearing Cr. No. 42/2024 registered with Shevgaon Police Station, Dist. Ahilyanagar for the offences punishable U/Sec. 341, 504, 506 r/w Sec. 34 of the Indian Penal Code and Sec. 3(1)(r), 3(1)(s) and 3(2)(3a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the appellant submits that respondents have no complaint for condition imposed by this Court vide order dated 23.09.2024. It is submitted that *prima facie* no offence is made out. She would also submit that wife of the informant did not make any grievance of overt act. It is submitted that he is falsely implicated in the offence. Appellant

is in fact in service at Pune and had no reason to be at the spot of incident.

3. Learned A. P. P. tenders on record relevant papers and he relies on the statement of Ambadas, Sindhubai and statement U/Sec. 164 of the Cr. P. C.

4. Learned counsel for the respondent No. 2 submits that appellant and his family members are in dominating position and pressurizing informant and his family members. The abduction of the wife of the informant shows their muscle power and arrogance. It is submitted that offence has been committed within public view and bar U/Sec. 18 of the Atrocities Act is attracted.

5. I have considered rival submissions of the parties. It is reported that informant and his wife were threatened and on 27.12.2023 his wife was abducted and she was brought at bus stand of Sakegaon. Her statement before the police and U/Sec. 164 of the Cr. P. C. do not disclose any overt act, when she was forcibly taken in a car. Informant and his wife were intercepted in the agricultural land of one Babasaheb Bade, where casteist abuses are alleged to be hurled. Considering the papers of investigation in all probabilities the transaction between the parties is something else. *Prima facie*, offence cannot be made out. Impugned judgment and order is liable to be quashed and set aside.

6. I am inclined to confirm the interim order dated 23.09.2024 granting ad-interim protection subject to certain conditions. I therefore, pass following order.

O R D E R

A. The criminal appeal is allowed.

B. The impugned judgment and order dated 17.08.2024 passed by the learned Additional Sessions Judge, Ahmednagar in Criminal Bail Application No. 1064 of 2024 is quashed and set aside.

C. Ad-interim relief granted on 23.09.2024 shall stand confirmed on condition that :

(i) The appellant shall not enter village Koradgaon, Tq. Pathri, Dist. Parbhani till filing of the charge sheet.

(ii) Appellant shall not contact with the informant or his family members in any manner.

[SHAILESH P. BRAHME J.]

bsb/April 25