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

CRIMINAL APPEAL NO. 689 OF 2025

Balaji Fulsingh Jadhav and others
VERSUS
The State of Maharashtra and another

.....

Mr S. G. Magre, Advocate for Appellants
Ms A. S. Mantri, APP for Respondent No.1/State

.....

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 12th DECEMBER 2025

P. C. :

1. Not on board. Mentioned. Taken on board.
2. This is a motion for speaking to the minutes of the order dated 02/12/2025. Learned Advocate for appellants submits that vide the order dated 02/12/2025, this appeal was allowed by this Court, however, while allowing the same, in clause No.9(f), inadvertently, a mistake is occurred in the name of village. He then submits that in the said clause, village name should be 'Talegaon' instead of 'Tamsa'.
3. In view of the above, necessary corrections be carried out accordingly and corrected order be uploaded.
- 4 This motion is disposed of.

[SUSHIL M. GHODESWAR, J.]

sjk

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(This order dated 02.12.2025 stands corrected and uploaded in view of the order dated 12.12.2025 passed on the motion for Speaking to the Minutes of the order)

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

922 CRIMINAL APPEAL NO. 689 OF 2025

1. Balaji Fulsingh Jadhav,
Age : 56 years, Occu : Agri.

2. Amol Baliram Jadhav,
Age : 37 years, Occu : Agri.

3. Pankaj Baliram Jadhav,
Age : 39 years, Occu : Agri.

All R/o Talegaon, Tq. Hadgaon
Dist. Nanded

**....APPELLANTS
(ORIG. ACCUSED)**

VERSUS

1. The State of Maharashtra,
Through Tamsa Police Station, Nanded.

2. Devshala Ashok Wadhve,
Age : 38 years, Occu : Housewife,
R/o Talegaon, Tq. Hadgaon, Dist. Nanded.

....RESPONDENTS.

...
Advocate for Appellants : Mr. Urgunde Suhas P.
APP for Respondent No.1/State : Mrs. Anuradha S. Mantri
Advocate for Respondent No.2 : Mr. Magre Sunil G.

...
CORAM : SUSHIL M. GHODESWAR, J.

Dated : December 02, 2025

PER COURT :-

1. The appellants are praying for quashing and setting aside the order dated 04.09.2025 passed by the learned Additional Sessions

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Judge, Nanded in Criminal Bail Application No.720/2025. The appellants are further praying for grant of anticipatory bail.

2. While issuing notice to respondents on 16.09.2025 this Court has already protected the appellants by way of interim order. Mr.Urgunde, learned counsel for the appellants submits that the Crime No. 162/2025 for the offences punishable under Section 294 read with Section 34 of the Indian Penal Code and U/s. 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,1989 is registered on the basis of report lodged by respondent No.2 on 14.08.2025. As per the said report, it is submitted that the informant is resident of village Talegaon, Taluka Hadgaon, Nanded. Respondent No.2 was elected as a Sarpanch in the Grampanchayat, Talegaon during the period of 2015 to 2019. She further stated that there are total nine Grampanchayat members and at the relevant time one Sow. Muktabai Chandrao Jagtap was elected as Up-Sarpanch. As per her report, she stated that in the month of August-2018 there was a Gram Sabha which was scheduled to be held on 30.08.2018 and to attend the same Gram Sabha she had went to the premises which are situated in front of the Grampanchayat office. She was presiding over the said Gram Sabha and one Shri M.M. Sontakke was Secretary being Rural Development Officer. When the proceedings were being conducted at

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that time the appellants came there and when the proceeding were being read out they started disturbing the Gramsabha meeting. According to the respondent No.2, informant deliberately harassed her and humiliated her as she is belonging to Scheduled Caste category. Thereafter they insulted her on the ground that she is not capable of presiding over the said meeting. Having felt humiliated Respondent No.2 initially approached to police station. However, since police complaint was not registered and thereafter, she approached to the Maharashtra Scheduled Castes and Scheduled Tribes Commission. After much deliberation and efforts later on her complaint came to be registered on 14.08.2025.

3. Mr.Urgunde, learned counsel for the appellants submits that the incident in question took place in the year 2018 and the F.I.R. is registered in the year 2025. Since there is a huge delay in registering the offence, no *prima facie* case is made out against the appellants. He further submits that in the F.I.R. caste based abusing is alleged to be made by appellants, but same is in general nature and no specific role, incident or event pointing out independent and separate involvement of accused is mentioned. He further submits that the appellants are falsely implicated in this matter in view of the political rivalry and, therefore, he is praying for grant of anticipatory bail.

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4. Per contra, Mrs. Mantri, learned APP strongly opposed this appeal on the ground that there are various witnesses who have supported the prosecution. She has brought notice to this Court, the statements of the said witnesses. She further submits that the appellants are belonging to the influential community and they are majority in village and, therefore, if the appellants are granted bail, they may harass the prosecution witnesses. She further submits that the investigation in the crime is going on. Therefore, it will not be appropriate for this Court to grant anticipatory bail.

5. I have also heard Mr. Magre, learned counsel for respondent No.2. He has invited attention of this Court to the sentences which are used by the appellants during the commission of this crime. He states that the bare perusal of the said sentences itself are sufficient to register the offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. He further submits that the appellants are belonging to the influential community. They are having majority in the village, whereas the informant is in minority. He also further submitted that the appellants being influential in village, there is possibility to harass respondent No.2 again and again. He further submits that the delay is caused in registration of F.I.R. is not because the appellants did not reported the incident to the police

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at early point of time. However, the said delay is caused on behalf of the authorities by not accepting complaint of respondent No.2 on proper time. He, therefore, contends that the delay is caused in registration of crime is not on the part of respondent No.2. He further submits that if the appellants are granted anticipatory bail, they shall again harass and humiliate respondent No.2 and they shall also threaten prosecution witnesses and therefore, he strongly opposed the grant of anticipatory bail. He further submits that the application for grant of bail was pending before the learned Sessions Judge. At that time appellant No.1 had threatened respondent No.2 for withdrawing the complaint and, therefore, report is also registered against the appellant which came to be registered on 30.08.2025.

6. In support of his submissions, he also relied the judgment delivered by the Apex Court in the case of ***Kiran Vs. Rajkumar Jivraj Jain in Special Leave Petition Criminal Appeal No.8169/2025.*** ***dtd.September 1,2025.***

7. After hearing the learned counsel for the parties and going through the police papers, it is clear that the report lodged by respondent No.2 speaks about the allegations which according to respondent No.2 attract the provisions of SC and ST Act.

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8. I have gone through the said sentences of report. The said words of all sentences are alleged to have been given in general nature and not against the particular accused persons. Further it is to be seen that there is political rivalry between the parties. The investigation in crime is already over and only filing of the charge-sheet is remained. The appellants have been granted ad-interim bail since on 16.09.2025 and since then, there is no incident of misusing liberty, on the contrary, they have cooperated investigation.

9. In view of the above factual circumstances, I am inclined to allow this appeal. Therefore, I pass the following order :-

ORDER

- a) The Criminal Appeal stands allowed.
- b) The impugned order dated 04.09.2025 passed by the learned Additional Sessions Judge, Nanded in Criminal Bail Application No.720/2025, is quashed and set aside.
- c) In the event of arrest of the appellants in connection with Crime bearing FIR No.162/2025 registered on 14.08.2025 with Tamsa Police Station, District Nanded for the offences punishable under Section 294 read with Section 34 of the Indian Penal Code and U/s. 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, they shall be released on furnishing PR bond of Rs. 25,000/- (Rupees Twenty Five

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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.
- f) The appellants shall not enter village **Talegaon**, Taluka Hadgaon, District Nanded, till the filing of the charge-sheet and they shall give their residential address to the concerned Investigating Officer.

(**SUSHIL M. GHODESWAR, J.)**

shp