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

CRIMINAL APPEAL NO.702 OF 2025

Anand s/o Manoharrao Unhale

....APPELLANT

VERSUS

1. The State of Maharashtra,
thr. Officer Incharge,
Police Station, Kalamnuri,
Tq. Kalamnuri, Dist. Hingoli
2. The Superintendent of Police,
Hingoli
3. The Sub Divisional Police Officer,
Sub-Division, Hingoli (City),
Tq. and Dist. Hingoli

4. XYZ

....RESPONDENTS

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Mr Rejendra Deshmukh, Senior Advocate a/w Ashwini Deshmukh,
Advocate i/b by Mr Shriram V. Deshmukh, Advocate for Appellant
Mr D. B. Bhange, APP for Respondent Nos.1 to 3/State
Mr Amol N, Patale, Advocate for Respondent No.4

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 15 OCTOBER 2025

P. C. :

1. By this appeal, the appellant is praying for quashing and
setting aside the order dated 12/09/2025 passed by the learned
Additional Sessions Judge-1, Hingoli, District Hingoli, below Exhibit
1 in Criminal Bail Application No.410/2025 whereby, the said

(2)

application preferred by him for grant of anticipatory bail in connection with C.R. No.463/2025 registered on 21/08/2025 with Kalamnuri Police Station, Dist. Hingoli for offences punishable under Sections 132, 221, 351(2), 78(1)(i), 79, 3(5), of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(w), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was rejected.

2. According to the prosecution, the informant is employed as Circle Officer at Tahsil Office, Kalamnuri, Dist. Hingoli. On 21/08/2025, when she was discharging her duty being Circle Officer, and dealing with the matter pertaining to mutation No.1533, applicant, namely, Pawan Sharadrao Unhale and non-applicants, namely, Bharat Satav and Anand Unhale (present appellant) were present. At around 3:00 p.m., son of non-applicant Bharat Satav, namely, Nagesh Bharat Satav (accused No.1), started quarreling with her. He alleged that mutation proceedings have been delayed and on the said pretext used to threatened the informant. Thereafter, he removed his shirt and pant and in semi nude condition, he started obstructing the informant from proceeding in her work. Therefore, the informant called her husband who came there and tried to give understanding to him. The informant then went to office of Talathi through another door. However, the said

(3)

Nagesh Satav followed her with bad intention in semi nude condition and he also came to the office of Talathi. At that time, Jivakkumar Kambale, Tahsildar was present in the office. At that time, present appellant Anand Unhale was recording video of the incident in the mobile of Nagesh. The said Nagesh threatened the informant and officers that since they are not having money, they are not mutating their names, and therefore, he will publish their video on all the social platforms. Then the informant having felt humiliated and insulted, lodged report with the Police Station.

3. Heard learned Senior Advocate Mr Rajendra Deshmukh, learned APP for respondent Nos.1 to 3/State and Mr Patale, learned Advocate for respondent No.4/complainant.

4. Learned Senior Advocate Mr Deshmukh submits that the act of appellant is resisted only to take video recording, and as such, no overt act as attributed to him as regards alleged offence is done by him. According to him, the appellant is falsely implicated in the crime and there is nothing in the FIR to suggest that the appellant was knowing the caste of the informant and he abused informant by referring her caste. He therefore submits that no prima facie offence against the appellant can be said to have been made out and the learned Sessions

(4)

Court has erred in rejecting his application for anticipatory bail. The appellant was present there being a party, and therefore, he has no concern with main accused Nagesh, who has committed shameful act. He further submits that the custodial interrogation of the appellant is not required as nothing is required to be seized from him. Apart from this, he relies upon the judgment of the Hon'ble Supreme Court in the matter of **Prathvi Raj Chauhan Vs. Union of India and others, (2020) 4 SCC 727** and the judgment in the matter of **Ravindra Shitalrao Upadyaya Vs. State of Maharashtra, thr. PSO, Sawangi, 2022 SCC OnLine Bom. 2015** to claim that the videography in the Government office or public premises is not prohibited. Thus, he strongly submits that the appellant cannot be said to be accomplice with that of main accused Nagesh, and therefore, he be granted protection by allowing the present appeal.

5. Per contra, learned APP vehemently opposes the instant appeal on the basis of investigation papers made available by him. He submits that though it is tried to be canvassed before the Court that the appellant is not main accused and accused Nagesh is main culprit, however, role of the appellant is shameful and he cannot be separated from the instant crime as both have shared common intension of

(5)

causing obstruction to the Government servant in performing her official duties, as well as outraging modesty of a woman. He further submits that the informant is working in the Talathi office and her husband is also well known Notary Advocate in said area. Both of them known to be belonging to the scheduled caste, and therefore, the appellant was very much aware that the victim is belonging to scheduled category. He also made available statements of witnesses who were present in the office at the time of incident. They have also supported the case of prosecution. He then submits that the role of present appellant is not just that of taking video shooting, but he was equally pressuring the informant to decide their matter on the same date. He further submits that the main accused Nagesh had preferred his appeal bearing Criminal Appeal No.711/2025 for grant of anticipatory bail before this Court, however, after hearing the submissions of the learned Advocates, this Court was not inclined to grant him bail and therefore, he withdrawn the said appeal. He also pointed out the said order of this Court dated 24/09/2025. Moreover, the said Nagesh Satav is still absconding and yet to be arrested and his mobile is yet to be seized from the accused persons, and therefore, he strongly opposes grant of anticipatory bail to the appellant and prays for dismissal of the appeal.

(6)

6. Learned Advocate for respondent No.4/complainant submits that the appellant is aged about 53 years and well matured person, however, the main accused is much younger to him. Both the accused were insisting to pass order on the same day on their mutation matter. The appellant, instead of restraining the main accused to commit alleged crime, was on the contrary cooperating him and was also seems to have instigating him by taking video shooting of the said incident in the mobile of main accused. The appellant has equally participated in the said crime. Therefore, he submits that conduct of the appellant cannot be segregated from the act of main accused. He further submits that the informant is Circle Officer working in the Tahsil Office and is dealing with the mutation applications. The appellant had sold the property situated at Gut No.109, Musod Shivar on 11/07/2025 to one Bharat Satav vide registered sale deed. In pursuance of the same, the concerned parties were issued notices through the office of Circle Office. One brother of the appellant, namely, Pawan Sharadrao Unhale had objected to the said mutation, and therefore, he had received the notice from the Circle Office as regards hearing is fixed in respect of said mutation on 11/08/2025. On 11/08/2025, he alongwith his lady Advocate, namely, S. S. Kale filed vakalatnama and sought further time. Accordingly, the informant kept

(7)

the said matter on 21/08/2025. On 21/08/2025, the informant took up the matter at 2'O clock. Objector Pawan had attended the said date. However, he again sought further time, since he could not get certain documents, and therefore, he tried to submit the written application handed over to his Advocate. At that time, the accused persons started creating scene and also threatened the informant. Thereafter, they have committed the alleged crime as stated earlier. Hence, learned Advocate Mr Patale for the informant submits that the appellant is equally liable for prosecution and he opposes the application for grant of anticipatory bail to him. He further contended that the appellant is aware of the caste status of the informant and therefore there is no substance in the submission of the learned Advocate for the appellant that appellant was unaware about the caste of the informant.

7. After considering the submissions made by the learned Advocates for the parties, it is clear that the appellant had been to office of Circle Officer and was present before the Informant. When an application for grant of adjournment came to be submitted to the Informant, the accused person alleged to have started creating scene in front of the informant and other persons. The main accused alleged to have removed his clothes and threatened the informant by saying that he shall publish video recording on social platforms.

(8)

The informant who is a public servant and was discharging her official duty, was virtually prevented from discharging her duties. Not only that, she was not even allowed to come out from her room and therefore, she was required to call her husband. When her husband came there, even thereafter, she was required to take help of another door to approach the Tahsildar's Court. When she reached to the Tahsildar's Court, the main accused along with present appellant have followed her and have threatened her. The said shameful act was being continued upto the chamber/office of Tahsildar. The appellant was not only just taking video recording, but he was also threatening the informant and was insisting to pass the order in respect of their matter on the same date. The informant who is public servant could not perform her duties due to the forceful illegal act of the appellant. Not only they are indulged in an immoral act, but have also committed offence of criminal force to deter the public servant from discharging of her duties. Since main accused is absconding and yet to be arrested, the submissions of the learned APP that, if the appellant is granted bail, the whereabouts of the main accused will not be ascertained and that would hamper the investigation, assumes significance. It is also pertinent to see that mobile, though belonging to the main accused, is yet to be recovered from the accused persons.

(9)

The manner in which accused persons are indulging in the crime, in my opinion, the present appellant is not entitled for grant of anticipatory bail. Hence the instant appeal is dismissed.

[SUSHIL M. GHODESWAR, J.]

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