



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

28 CRIMINAL APPEAL NO. 706 OF 2025

Balasaheb Awdaji Jambutkar,
Age; 51 years, Occ; Service,
R/o; Masod, Tq. Kalmanuri, District Hingoli,
At present Beleshwar Nagar, Parbhani
Tq. & Dist. Parbhani.

...APPELLANT
(Accused)

VERSUS

- 1] State of Maharashtra,
Through Officer In-Charge,
Police Station Jintur,
Tq. Jintur, District Parbhani.
- 2] The Superintendent of Police,
Parbhani, District Parbhani.
- 3] Vijaykumar Uttamrao Ubale,
Age; 38 years, Occ; Labour,
R/o; Yeldari Camp, Sawangi Mhalsa,
Tq. Jintur, District Parbhani.

...RESPONDENTS
(Resp. No. 3 is alleged
victim of atrocity.)

...
Advocate for Appellant : Mr. Sudarshan J. Salunke
APP for Respondent Nos. 1 & 2/State : Mr. C.V.Bhadane
Advocate for Respondent No. 3 : Mr.R.D. Sanap (appointed)
...

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 17.11.2025

PER COURT :

1. By this appeal, the appellant is praying for quashing and setting aside the impugned order dated 11.09.2025, passed by learned

Additional Sessions Judge-1, Parbhani, District Parbhani, in Criminal Bail Application No. 609 of 2025, below Exh. 1, whereby, the application for grant of anticipatory bail is rejected by the Session Court. Therefore, the appellant is before this Court by way of this appeal.

2. The appellant seeks anticipatory bail in Crime bearing FIR No. 487 of 2025, registered on 28.08.2025, with Jintur Police Station, District Parbhani, registered for the offences punishable under Sections 296, 351 (2) of the Bhartiya Nyaya Sanhita, 2023, (Section 294 and 506 of the Indian Penal Code, 1860) and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Atrocities Act'). The report lodged by the informant is of the incident dated 21.08.2025. As per said report it came to be submitted that on 21.08.2025, at about 4.30 p.m. when informant had gone to visit the Yeldari Dam alongwith other person, at that time, the appellant, who was posted as Deputy Executive Engineer in Hydro Electric Power Station, alleged to have abused to him by referring to his caste. Therefore, the aforesaid offences came to be registered against the appellant.

3. Mr. Salunke, the learned Counsel for the appellant states that there is delay of 8 days in registering the offence. Mere utterance of caste does not show the intention to humiliate. Therefore, according to him, no offence as alleged against the appellant has been committed.

According to him, the informant has lodged the report as per the instigation of one R.T.I. activists Pritam Wakale, who had created unwanted scene at the site of the dam. As the access to Yeldhari dam and Hydro Power Station is prohibited to general public therefore, there was quarrel between the office bearers and the accused persons. In view of registration of crime the appellant had preferred anticipatory bail application before the Sessions Court, Parbhani, which was rejected vide order dated 11.09.2025 therefore, the appellant approached this Court. Mr. Salunke stated that the informant in collusion with the RTI activist Pritam Wakale in order to implicate the appellant in serious offence so as to affect his service carrier has deliberately lodged false report against him. Therefore appellant deserves to be granted anticipatory bail by confirming the earlier ad-interim bail granted by this Court.

4. Mr. Bhadane, learned APP for Respondents-State submits that the appellant has abused the informant on his caste and also threatened him. According to the prosecution, the incident took place at the public place which is within the meaning of public view and since the prima-facie case is made out against the appellant, therefore, the bar under Section 18 of the Atrocities Act is clearly attracted. Therefore he opposes the instant appeal.

5. I also heard Mr. Sanap, the learned Advocate for respondent No. 2/Complainant, who has adopted the submissions of the learned

APP. He submits that if the appellant has granted anticipatory bail the appellant will threaten the prosecution witnesses and therefore, prayed for dismissal of the instant appeal.

6. I have gone through the investigation papers made available to me by the learned APP. The investigation papers disclose that the investigation is almost completed. The investigating officer has recorded the spot panchanama and also collected the caste certificate of the informant. The investigating officer appears to have also collected certain documents and the further investigation is also going on.

7. It is to be seen from the record that the informant had gone to the prohibited area of the dam and on that count there appears to have taken place quarrel between the office bearers of the Hydro Electric Power Station and the informant. The FIR is silent as to how the appellant, who is posted as Deputy Executive Engineer at the Hydro Electric Power Station, is aware about the caste of the informant. Mr. Salunke learned Advocate for appellant submits that the appellant has now been transferred to other location. As such, there is no question of tampering of the prosecution witnesses. The report itself raises doubt as regards the credibility of the crime. The said report is lodged after about 7 days from the date of the incident and also raises serious concern as the delay is not properly explained by the prosecution.

8. Mr. Salunke, the learned Advocate for the appellant also justified in saying that the informant upon instigation of the R.T.I. activists Pritam Wakal has lodged the report, because there are several applications, representations preferred by the said activists against the office bearers of the Hydro Electric Power Station where there is also reference of demanding termination of services of present appellant. In such scenario, prima-facie, offence under the provisions of atrocity act cannot be said to have been made out against the appellant .

9. In view of the aforesaid facts and circumstances, the instant appeal deserves to be allowed by confirming anticipatory bail already granted to the appellant by this Court on 22.10.2025, on certain conditions. Hence, the following order:

ORDER

- (i) The Criminal Appeal stands allowed.
- (ii) The ad-interim anticipatory bail granted to the appellant on 22.10.2025 is confirmed.
- (iii) The impugned order is quashed and set aside.
- (iv) In the event of arrest of the appellant Balasaheb Awdaji Jambutkar, in connection with FIR No. 487 of 2025, registered with Jintur Police Station, District Parbhani, under Sections 296, 351 (2) of the Bhartiya Nyaya Sanhita, 2023, (Section 294 and 506 of the Indian Penal Code, 1860) and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, he shall be released on furnishing PR bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] with one solvent surety/ security in the like amount.
- (v) The appellant shall not tamper the prosecution

witnesses or try to contact or pressurize the witnesses or the informant, in any manner whatsoever.

(vi) Appellants shall co-operate the Investigating Officer and shall make themselves available as and when called by the Investigating Officer.

10. Needless to say, in case of violation of any of the aforesaid conditions, the anticipatory bail granted to the Appellant shall be liable to be cancelled.

11. It is also clarified that the observations made in this order are limited to the disposal of the present appeal. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. Learned advocate for respondent No.3/informant is appointed through Legal Aid. His fees shall be quantified and paid to him as per rules, by the High Court Legal Aid Services Sub-Committee, Bench at Aurangabad.

(SUSHIL M. GHODESWAR, J.)

mahajansb/