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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 CRIMINAL APPEAL NO. 722 OF 2025

RUSHIKESH PAWAN LAVHARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.S.B.Munde, Advocate for the appellant.
Mr.C.V.Bhadane, APP for the respondent/State.
Mr.S.M.Kamble, Advocate for respondent No.3 (through VC).

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 1 DECEMBER, 2025

PER COURT :

1. By this appeal, the appellant is challenging the order dated 19.08.2025 passed by the learned Additional Sessions Judge, Ambajogai in Criminal Bail Application No.334/2025, whereby his bail application was rejected. He is further seeking anticipatory bail in connection with Crime No.0164/2025 registered on 29.06.2025 with Bardapur Police Station, Dist.Beed for the offence punishable under Sections 115(2), 118(1), 351(2), 351(3), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act).

2. The aforesaid crime came to be registered on the basis of report lodged by respondent No.3 on 29.06.2025. As per the said report, it came to be submitted on 29.06.2025, the informant alongwith his friends was playing cricket in the premises of one school namely Yashwantrao Chavan Vidyalaya, Pattiwadgaon. Quarrel took place between the accused and the informant on account of playing cricket. The appellant also alleged to have abused the informant by referring to his caste and assaulted him with a cricket stump on his thigh, back and hand. Later on, the informant narrated the incident to his parents. Subsequently, mother of the informant approached the house of the appellant/accused to question his conduct, but she was also assaulted to her left hand finger and she was also abused referring to her caste.

3. The learned Advocate for the appellant submits that the alleged incident has taken place on account of playing cricket and the report was lodged against the appellant by falsely implicating him and he is at all not involved in the said crime. According to him, he is at all not concerned with the ground of the said school. Hence there is no occasion for him to abuse the informant and his mother by referring to their case. He further submits that the appellant is 25 years of age and

is in search of job. He further submits that he is ready to abide by each and every condition imposed upon him while granting bail.

4. Per contra, the learned APP opposed the instant appeal. According to him, the appellant is involved in this crime as there are specific statements by the witnesses. He further submits that the investigation is in progress. He further submits that the stump, which was used in the crime is seized from the spot under the spot panchnama. However, in order to take the investigation to its logical end, the custody of the appellant is required. Therefore, he prayed for rejection of the appeal.

5. The learned Advocate for respondent No.2 appeared through VC and opposed the instant appeal. He has submitted that the appellant is very much involved in the instant crime. The crime is serious and is against the members of the Scheduled Caste community. The appellant, if released on bail, he may tamper with the prosecution witnesses, the investigation shall be hampered and therefore he strongly opposed the grant of anticipatory bail.

6. After hearing the learned Advocates for the parties and on going through the investigation papers made available to this Court by the learned APP, it is clear that the alleged scuffle took place on account of playing cricket. The medical certificate discloses that there are simple injuries. The weapon alleged to have been used in the crime, has been seized from the spot. Looking to the age of the appellant, it is necessary to give him one chance and therefore I am of the opinion that he should be granted anticipatory bail by putting stringent conditions.

7. Hence the appeal stands allowed and disposed of in following terms :-

- (i) In the event of arrest of the appellant in Crime No.0164/2025 registered on 29.06.2025 with Bardapur Police Station, Dist. Beed for the offence punishable under Sections 115(2), 118(1), 351(2), 351(3), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), he be released on bail on his furnishing PR bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount.
- (ii) The appellant shall attend the concerned Police Station on every Monday at 11.30 am. till filing of charge sheet and shall cooperate with the investigation.

- (iii) The appellant shall furnish details of residential address and other contact details such as the mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately informed to the concerned police station.
- (iv) The appellant shall not leave the jurisdiction of the competent Court without prior permission, until further orders.
- (v) He shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

(SUSHIL M. GHODESWAR, J.)