



This Order is Speaking to Minutes order of order dated //

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crapl-733-25

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

CRIMINAL APPEAL NO. 733 OF 2025

**GOVINDRAO GYANBARAO PAWAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.D.A.Mane, Advocate for the appellants.
Mrs.U.S.Bhosale, APP for the respondent/State.
Ms.Smita R.Kasture, Advocate for respondent No.2 (appointed)

...
CORAM : SUSHIL M. GHODESWAR, J.
Dated : December 02, 2025

PER COURT :-

1. Not on the Board. Mentioned.
2. This motion is moved by learned Advocate for respondent No.2 for speaking to the minutes of the order dated 18.11.2025.
3. It is rightly pointed out that in first and last page of the order dated 18.11.2025, instead of the name of 'Ms.Smita R. Kasturkar', it should be corrected as 'Ms. Smita R. Kasture'.
4. The motion is allowed. The order be, accordingly, corrected and uploaded.

(SUSHIL M. GHODESWAR, J.)

shp

(This order dated 18.11.2025 stands corrected and uploaded in view of the order dated 02.12.2025 passed on the motion for Speaking to the Minutes of the order)

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

CRIMINAL APPEAL NO. 733 OF 2025

1. Govindrao s/o Gyanbarao Pawar,
Age; 56 years, Occ; Nil,
R/o; Sangvi (Gu), Nanded,
Tq. & Dist. Nanded.
2. Tukaram s/o Gyanbarao Pawar,
Age; 66 years, Occ; Agril,
R/o; Sangvi (Gu), Nanded,
Tq. & Dist. Nanded.

...APPELLANTS
(Orig. Accused)

VERSUS

1. The State of Maharashtra,
Through the Investigating Officer,
Police Station Vimantal, Nanded,
Tq. & Dist. Nanded.
2. Surekha Hanmantrao Halde,
Age; 41 years, Occ; Household,
R/o; Balaji Nagar, Nanded.
Tq. & Dist. Nanded.

...(Orig. Informant)
...RESPONDENTS.

.....
Advocate for the Appellants :- Mr. Dhananjay A. Mane
APP for Respondent No. 1-State : Ms.Uma S. Bhosle
Advocate for Respondent No. 2 : Ms.Smita R.Kasture (Appointed)
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CORAM : SUSHIL M. GHODESWAR, J.
DATE : 18.11.2025

PER COURT :

1. The appellants, through this instant appeal, praying for quashing and setting aside order below Exh. 1 dated 24.07.2025 passed by Learned Additional Sessions Judge (Special Court), Nanded in Anticipatory Bail Application No. 606 of 2025. Vide said impugned order

learned Additional Sessions Judge pleased to reject the said Bail Application preferred by the appellants.

2. The Crime No. 240 of 2025 came to be registered at Vimantal Police Station, Nanded, District Nanded for the offence punishable under Sections 119 (1), 115(2), 352, 351(2), 351(3), 189(2), 191(2), 190, 3 (5) of the Bhartiya Nyay Sanhita, 2023 and Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short "Atrocities Act"), on the basis of report lodged by respondent No. 2 Surekha Hanmantrao Halde on 22.06.2025. As per the said report, on 21.06.2025 at around 3.30 p.m. she had gone at the plot possessed by her, situated at Survey No. 43, Sawangi (Bk.) on Hingoli to Purna road for the purpose of leveling by using Murum. At that time, accused persons including appellant No. 1 Govind Gyanoba Pawar (handicapped), tukaram Gyanoba Pawr, Shrikant Tukaram Pawar, Chandrakant Anandrao Pawar, Anurag Govind Pawar, Santosh Govind Pawar, Nivrutti Tukaram Pawar, Deepak Swami, Sai and others all came at her plot and they started claiming to be the owners of that plot. On account of said dispute, there took place quarrel between the said accused persons and informant. She also informed them that she had purchased the said plot from one Desai resident of Chudawa just prior to one day. She has also shown the photocopy of the sale deed to them. However, accused Chandrakant Pawar had torn the copy of that sale deed. Accused Govind started inquiring about the informant, at that time

one Pralhad Bodke informed him that informant is belonging to scheduled caste category. Upon that, appellant No. 1 Govind abused her by referring to her caste and pushed her down. They alleged to have slapped her. She has also lost her gold chain worth Rs. 1,20,000/- in the said incident. Accordingly, she has registered crime as stated here in above.

3. Heard Mr. Dhananjay A. Mane, the learned Advocate for the Appellants, Ms. Uma S. Bhosle, learned APP for Respondent No. 1-State and Ms.Smita R. Kasture, learned Advocate for respondent No. 2 at length.

4. Mr. Mane, learned Advocate appearing for appellants submitted that the allegations even if considered from the FIR as it is, still the alleged offences are not attracted against the appellants. He further submitted that there is delay in lodging the FIR, which is at all not explained by the prosecution. He further submitted that appellant No. 1 alleged to have abused the informant by referring on her caste., however, he is suffering from permanent disability and his leg is surgically removed, and therefore, according to him, it is highly improbable that such persons can approach over that said plot and can push the informant. He further submitted that this Court has already granted ad-interim protection to the appellants vide order dated 04.10.2025 and since then the appellants are attending the concerned

Police Station regularly. He has further submitted that since then the appellants have not misused the liberty granted to them. Therefore, he prayed that the appellants be released on anticipatory bail by confirming their earlier ad-interim protection granted by this Court.

5. Per-Contra, Ms. Bhosle, the learned APP for Respondents-State strongly opposed the instant appeal. According Ms. Bhosle, the appellants are involved in a very serious crime and that too under the provisions of Atrocities Act. The appellants themselves have approached on the plot purchased by the informant and by abusing informant on the basis of her caste, they have committed aforesaid offences. The Crime is taken place within the meaning of public view and therefore, bar under Section 18 of the Atrocities Act is attracted, and therefore, it will not be appropriate for this Hon'ble Court to grant anticipatory bail to the appellants.

6. Ms. Kasture, learned Counsel for respondent No. 3 has reiterated the submissions of learned APP and submitted that if the appellants are granted bail, they may tamper prosecution witnesses/case.

7. After going through the submissions and after perusing the investigation papers made available to this Court, it is clear that the dispute occurred on the plot which is purchased by the Informant. The

informant has said in her report that she had purchased the plot just one day prior to the instant incident. The purchase of said plot by the Informant seems to have affected the appellants and therefore, there started quarrel between the accused persons and the informant. The role played by the present appellants in the instant Crime as per the allegations that they have abused the informant by referring on her caste and threatened her. As regards, the appellant No. 2, there are no specific role attributed to him. Mr. Mane, learned Counsel for the appellants states that the appellant No. 1 is having permanent disability and his certificate goes to show that he is having permanent disability since the year 2007. Therefore, it is quite impossible that a handicapped person would go there on plot and, obstruct and abuse her on the basis of her caste. Though, this Court will not go into the merits of the matter at this stage, however, it is clear that the investigation in this crime is almost completed and mere formality of filing of the charge-sheet is remained. Since the appellants have not misused their liberty granted, till date, it is convenient to grant them anticipatory bail. Hence I pass following order :

ORDER

[i] The appeal is allowed.

[ii] The impugned order dated 24.07.2025 passed by the Special Judge (SC/ST Act), and Additional Sessions Judge-1, Nanded below Exh. 1 in Anticipatory Bail Application No. 606 of 2025 is hereby quashed and set aside.

[iii] Ad-interim anticipatory bail granted by this Court on 04.10.2025 is hereby confirmed.

[iv] In the event of arrest, the Appellants shall be released on bail in connection with Crime No. 240 of 2025 came to be registered at Vimantal Police Station, Nanded, District Nanded for the offence punishable under Sections 119 (1), 115(2), 352, 351(2), 351(3), 189(2), 191(2), 190, 3 (5) of the Bhartiya Nyay Sanhita, 2023 and Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing PR bond of Rs.25,000/- each with one surety each in the like amount to the satisfaction of the trial Court.

[v] The Appellants shall attend Vimantal Police Station area, District Nanded as and when called by the investigation officer.

[vi] The Appellants, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

[vii] The Appellants shall co-operate with the investigation and the trial Court and shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

[viii] The Appellants shall not tamper with the evidence of the prosecution and shall not influence the informant, witnesses and other persons concerned with the case and not to indulge in any criminal activities.

[ix] The Appellants, upon being released on bail, shall place on record of the trial Court their details of Contact Number and residential addresses with updates in case of any change.

8. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the Appellants shall be liable to be cancelled.

9. 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.

10. The appeal stands allowed and disposed of.

11. The learned Advocate Ms. Smita R. Kasture was appointed to represent the Respondent No.2, her fees be quantified through the High Court Legal Services Sub-committee, Aurangabad as per rules.

(SUSHIL M. GHODESWAR, J.)

mahajansb/