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

CRIMINAL APPEAL NO.752 OF 2025

1. Rewo s/o Gopinath Pawar
 2. Madhan s/o Laxman Pawar
 3. Viswanath s/o Rewo Pawar
-APPELLANTS

VERSUS

1. The State of Maharashtra,
thr. Police Inspector,
Police Station, Ghansawangi,
Tq. Ghansawangi, Dist. Jalna
 2. Vilas s/o Sitaram Yede
-RESPONDENTS

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Mr P. C. Bhagure Advocate for Appellants
Mr S. B. Jadhav, APP for Respondent No.1/State
Mr V. A. Bagal, Advocate for Respondent No.2

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 16 OCTOBER 2025

P. C. :

1. By this criminal appeal, the appellants pray for quashing and setting aside the order dated 03/10/2025 passed below Exhibit 01 in Criminal Bail Application No.435/2025 by the learned Additional Sessions Judge, Ambad, Dist. Jalna, whereby their application for grant of regular bail in connection with C.R. No.490/2025 registered on 17/09/2025 with Ghansawangi Police Station, Dist. Jalna for offences punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the

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Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 118(1), 115(2), 351(2), 352, 189(2), 191(2), 190 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3 and 25 of the Arms Act, 1959, was rejected. They also pray for releasing them on regular bail in the said crime.

2. The aforesaid crime is registered on 17/09/2025. However, the day of occurrence of said offence is on 14/09/2025 at 19:30 hours. There are total 11 accused persons in the said crime who have alleged to have gathered and assaulted the informant. The main allegations against the appellants is that out of them, appellant No.3/Vishwanath has assaulted by wooden sticks on the head of the informant and appellant Nos.1 and 2 assaulted the informant with iron rod on his thighs, thereby causing certain injuries to him. There are other serious allegations of assaults on the informant, however, that is by some other accused persons, who are not before this Court. The instant crime came to be initiated on the basis of aforesaid FIR. The appellants have been arrested on 26/09/2025.

3. Learned Advocate for the appellants submits that appellant Nos.1 and 2 are old aged persons and most offences which are registered against the appellants are not serious, and therefore, they

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may granted regular bail. There are no criminal antecedents against them. He further submits that there is delay in lodging FIR and the same is not explained by the prosecution. There are omnibus allegations as regards hurling caste based abuses to the informant. It is also tried to be canvassed before this Court there is dispute between certain relatives of the appellants and the informant in respect of approach road. In view of the said dispute, the family members of the appellants have filed report bearing FIR No.452/2025 on 18/09/2025 against the informant. Accordingly, he prays for grant of regular bail to the appellants.

4. Per contra, learned APP strongly opposes the instant appeal. He submits that appellants are involved in heinous crime and they are not deserve to be released on bail. He further submits that, due to heinous crime at the hands of the appellants, the members of the scheduled castes community are scared and if the appellants are released on bail, there would be law and order situation in the village. He then submits that the investigation is going on and the charge-sheet is yet to be filed, and if the appellants are released on bail they may tamper with the prosecution witnesses.

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5. Mr Bagal, learned Advocate for respondent No.2/informant submits that the accused persons are involved in a serious crime, that too against the members belonging to the scheduled caste community. They gathered in so many numbers and assaulted the informant for which he required to take treatment from the Government Medical hospital. He also pointed out that the allegations against the appellants are very serious in nature, and accordingly, prays for rejection of the instant appeal.

6. After going through the FIR and the record available with the Court, it appears that crime in question came to be taken place on 14/09/2025. The said crime was registered with the Police Station on 17/09/2025. However, there is no justification on behalf of the prosecution as to why crime is came to be reported so late with the Police Station. The injury certificate discloses that the informant had received simple injuries. The investigation papers also disclose the statements of the witnesses, who have stated about the incident. The appellants were arrested on 26/09/2025 and since then, they are behind bars. Apart from provisions of the Atrocities Act and the provision of Section 118(1) of the Bharatiya Nyaya Sanhita, all the other offences are bailable. Since the investigation papers disclose that most of the investigation has already been completed and mere formality of filing

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of charge-sheet is remained. In my opinion, the appellants deserve to be granted bail. However, the apprehension of tampering with the prosecution witnesses expressed by the learned APP and learned Advocate for respondent No.2 can be taken care by putting strict conditions on the appellants. Hence, I pass the following order :-

ORDER

- (I) The present criminal appeal is allowed.
- (II) The order dated 03/10/2025 passed below Exhibit 01 in Criminal Bail Application No.435/2025 by the learned Additional Sessions Judge, Ambad, Dist. Jalna, is hereby quashed and set aside.
- (III) Appellants shall be released on bail in connection with C.R. No.490/2025 registered on 17/09/2025 with Ghansawangi Police Station, Dist. Jalna for offences punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989; under Section 118(1), 115(2), 351(2), 352, 189(2), 191(2), 190 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 25 of the Arms Act, 1959, on furnishing PR bond of Rs.25,000/- each, with one solvent surety/ security in the like amount.
- (IV) Appellants shall not influence or contact with any witnesses or informant and not to interfere with the evidence of the prosecution.

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(V) Appellant shall cooperate with the trial Court and shall attend each and every date, unless exempted by the trial Court.

(VI) Appellants shall not enter in Taluka Ghansawangi, Dist. Jalna, till the filing of charge-sheet.

(VII) Appellants shall place on record of the trial Court the details of their contract numbers and residential addresses with updates in case of any change.

(VII) Appellants shall attend the concerned police station and report to Police Station Officer or his subordinate officer as and when called for.

(VIII) Appellants shall not commit any crime during their bail period.

7. It is made clear that, in case of violation of any of the aforesaid conditions, the bail granted to the appellant shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are *prima facie* in nature for the purpose of adjudication of this appeal.

[SUSHIL M. GHODESWAR, J.]

sjk