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

CRIMINAL APPEAL NO. 967 OF 2024

1. Roshan Ramesh Bhosale
2. Annasaheb @ Anna S/o Pandit Salunkhe .. Appellants

Versus

The State of Maharashtra and others .. Respondents

**WITH
CRIMINAL APPEAL NO. 968 OF 2024**

Sunil Popat @ Popatrao Deshmukh .. Appellant

Versus

The State of Maharashtra and others .. Respondents

Shri Shrikant D. Kawade, Advocate for the Appellants in both matters.

Mrs. Chaitali Choudhari - Kutti, A.P.P. for the Respondent No. 1 in both matters.

Mrs. S. K. Doke (Renge), Advocate for the Respondent No. 2 in both matters.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 08TH APRIL, 2025.**

FINAL ORDER :

. Both appeals are for questioning orders rejecting pre-arrest bail passed by the Special Judge under Atrocities Bhoom. They are apprehending arrest in furtherance of Cr. No. 260/2024 registered with Police Station Washi, Tq. Washi for the offences punishable U/Sec. 119(1), 118(1), 115(2), 352, 351(3), 3(5) of the

Bhartiya Nyaya Sanhita, 2023 and Sec. 3(1)(r), 3(1)(s), 3(2)(va) and 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. All the appellants were protected by ad-interim order passed by this Court on 23.10.2024. Respondents did not allege breach of conditions imposed by this Court.

3. The incident in question occurred on 25.09.2024. The names of the appellants are figuring in the first information report. Appellant – Sunil is alleged to have instigated quarrel, which occurred at bus stand. Appellant – Roshan is alleged to have hurled casteist abuses and beaten with a stick. Appellant – Anna is alleged to have beaten by fist and blows.

4. Learned A. P. P. as well as learned counsel appearing for the respondent No. 2 repel the submissions of the appellants. It is submitted that specific role is attributed to each of them. Informant is assaulted by stick and fist blows and injury certificate corroborates the allegations. It is submitted that stick, gold ring and chain are yet to be recovered. The offence took place within public view.

5. Learned counsel for the respondent No. 2 additionally submits that bar U/Sec. 18 of the Act is not attracted, because it is not a false implication. It is submitted that when interim protection was granted to the appellants on 10.07.2024, they

dare to commit offence on 25.09.2024, which itself is evident the conduct of the appellants.

6. It reveals from record that there is previous enmity between accused and informant and his family. On earlier occasion also offence was registered at the instance of mother of the informant and the pre-arrest protection was secured by the accused. Root cause for the enmity is the part of the land purchased by the appellant – Roshan from gut No. 155/B situated at village Ieet, Tq. Bhoom. The informant and his family members are also possessing land in self same gut. R.C.S. No. 179 of 2023 is pending between the parties filed by appellant – Roshan. He was granted interim injunction vide order dated 23.10.2023 below Exhibit 05. A complaint was filed on 19.12.2023 by the appellant against the informant. Learned counsel for the appellants submits that considering nature of allegations interim protection needs to be continued.

7. I have gone through the first information report. The proceedings of R.C.S. No. 179 of 2023, order dated 23.10.2023 below Exhibit 05 and complaint dated 19.12.2023. There is enmity between the parties. The injuries on the informant are simple in nature. Prima facie false implication cannot be ruled out. I find that this is fit case to confirm the interim protection. I find that impugned judgments and orders are unsustainable. I, therefore, pass following order.

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8. The criminal appeals are allowed. Interim protection granted by order dated 23rd October, 2024 is confirmed.

[SHAILESH P. BRAHME J.]

bsb/April 25