



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

17 CRIMINAL APPEAL NO. 973 OF 2024

Baburao s/o Hiraman Gaikwad,
Age; 56 years, Occ; Agri,
R/o; Kondashi, Tq. Aundha,
Dist. Hingoli.

...APPELLANT
(Orig. Accused No. 2)

VERSUS

1. The State of Maharashtra,
Through Police Station Hatta,
District Hingoli.

2. Suraj s/o Pandit Pawar,
Age; 37 years, Occ; Labour,
R/o; Near Sadhu Nagar, Jawala Bazar,
Tq. Aundha, Dist. Hingoli.

...RESPONDENTS
(R/2 is Orig. Complainant)

...
Advocate for Appellant : Mr. Avinash Hande
APP for Respondent No. 1/State : Ms. Anuradha S. Mantri
Advocate for Respondent No.2 : Mr. K. P. Rathod
...

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 17.11.2025

PER COURT :

1. Vide order dated 14th October, 2025, it was observed that if the learned Counsel for respondent No. 2. Mr. Rathod, is remained absent on next date this Court shall proceed further in the matter in accordance with law.

2. Heard Mr. Hande, learned Advocate for the appellant and Ms. Mantri, learned APP for respondent-State.

3. The appellant is challenging the order dated 27.08.2024 passed by the learned Special Judge, (SC & ST Act), Basmat, below Exh. 1 in Criminal Bail Application No. 213 of 2024, wherein, the Anticipatory Bail Application of the Appellant came to be rejected. Therefore, through the instant appeal he is praying for grant of Anticipatory Bail.

4. According to the prosecution, the victim has lodged report with Hatta Police Station, District Hingoli, on 07.07.2024, alleging therein that on 06.07.2024, at about 8.30 a.m., when he was going to his agricultural land in his tractor, that time one Sudhakar (accused No. 1) threatened him by saying that he would harm him if the victim dares to cultivate his land. The informant further stated in his FIR that while he was performing agricultural sowing operation, at about 2.30 p.m., the present appellant Baburao Gaikwad (Accused No. 2) came near him and asked him to stop sowing operation. On the said count there took place quarrel between the accused persons and the victim. The present appellant Baburao alleged to have assaulted the victim by using stick on his head. When the victim fell on the ground, the accused persons fled away in the village from the spot. On the basis of aforesaid report crime No. 342 of 2024, registered with Hatta Police Station, for the offences

punishable under Sections 118 (1), 115 (2), 352, 351 (2), 351 (3), of the Bhartiya Nyaya Sanhita, 2023 and under Section 3 (5), 3 (2) (VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, came to be registered against the accused persons.

5. Mr. Hande, learned Counsel for the appellant submits that the appellant has been falsely implicated in the instant crime and as such, he deserves to be granted anticipatory bail by confirming the ad-interim protection order. The said interim protection order is passed by this Court on 25th October, 2024. He further submitted that he has not misused the liberty granted to him by this Court and also assured this Court that he will abide each and every condition directed by this Court.

6. He further submits that the dispute between the parties is of purely of a civil nature and the victim- informant, in order to harass and humiliate accused persons, has intentionally filed a FIR against them. Mr Hande, learned Advocate is praying for confirming of anticipatory bail of the appellant.

7. Per-Contra, Ms. Mantri, learned APP is opposing the instant appeal on the ground that the appellant has assaulted the victim by means of stick on his head. Due to the said assault, the victim was injured and was required to take medical treatment. She further

contends that the alleged weapon used in the crime is yet to be recovered from the accused persons, and therefore, the appellant is not entitled for confirm of anticipatory bail. She further contends that if the appellant's anticipatory bail is confirmed, he may temper the prosecution witnesses and may hamper the prosecution trial.

8. After going through the investigation papers, made available to this Court, it is clear that there is no progress in the investigation since the registration of the Crime No. 342 of 2024 which is registered on 07.07.2024. The appellant has been granted ad-interim protection by this Court on 25th October, 2024 and since then he has attended the concerned Police Station on various dates. The investigation officer even has not made any efforts to seize the stick allegedly used by present appellant till date. It is also not the submission of learned APP that the appellant during this period has not cooperated with the investigation. Though it was tried to be contended that the appellant was absent on certain dates, however, looking to the nature of investigation, ongoing since long, and the appellant has not misused the liberty granted to him, I am inclined to grant anticipatory bail to the appellant by confirming interim protection already granted.

9. After dictating this order, Mr. Rathod, learned Advocate for Respondent Victim appeared and is praying for time of one week. However, the said request is rejected and accordingly the appellant has granted the anticipatory bail by confirming interim protection already

granted by putting certain stringent conditions on him. Hence I pass following order :

ORDER

- (I) The appeal is allowed.
- (II) The interim protection granted vide orders dated 25.10.2024 by this Court is confirmed.
- (III) In the event of arrest of appellant, Baburao s/o Hiranman Gaikwad, in crime No. 342 of 2024, registered with Hatta Police Station, for the offences punishable under Sections 118 (1), 115 (2), 352, 351 (2), 351 (3) and 3 (5) of the Bhartiya Nyaya Sanhita, 2023 and under Section 3 (2) (VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he shall be released on anticipatory bail on furnishing his personal bond of Rs. 15,000/- (Rs. Fifteen Thousand Only) and one solvent surety in the like amount on following conditions :
- (i) Appellant shall co-operate the Investigating Officer and shall make himself available as and when called by the Investigating Officer.
 - (ii) The appellant shall not enter the area of village Hatta, District Hingoli, till filing of the charge-sheet.
 - (iii) The appellant shall not contact the witnesses directly or indirectly.
 - (iv) The appellant shall not interfere with the evidence of prosecution in any manner whatsoever.
 - (v) The appellant shall furnish his 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 contact details, same shall be immediately informed to the concerned Police Station.

(vi) The appellant shall not contact and/or influence the witness/es and/or tamper with evidence in any manner whatsoever.

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.

(SUSHIL M. GHODESWAR, J.)