



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 782 OF 2025

JAMBU VAKIL AADE
AND
ANKUR VAKIL AADE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Shri Kale Amol G., Advocate for the Appellants.
Ms. A.S. Mantri, APP for Respondent Nos.1 and 2/State.
Ms. Awchar Shilpa L., Advocate for Respondent No.3.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 24 December 2025

P. C. :-

1. By this appeal, the appellants are praying for quashing and setting aside the order dated 09.10.2025 passed by the learned Additional Sessions Judge, Hingoli, in Criminal Bail Application No.451/2025 whereby, the said application preferred by the appellants for grant of anticipatory bail was rejected.

2. The aforesaid anticipatory bail application was preferred in Crime bearing FIR No.277/2025 registered on 27.09.2025 with Basamba Police Station, Taluka and District Hingoli, for the offences punishable under Sections 351(2), 3(5),

118(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(s), 3(1)(r) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Atrocities Act'). The FIR came to be lodged at the behest of respondent No.3/ informant (Nandu Tukaram Bodakhe).

3. Through this appeal, the appellants are praying for grant of anticipatory bail in the aforesaid crime. While issuing notice on 15.10.2025 by this Court, the appellants are granted interim protection of anticipatory bail.

4. The aforesaid Crime No.277/2025 is registered on the basis of the report lodged by respondent No.3/ informant stating therein that he belongs to the Scheduled Tribe category and on 24.09.2025, when he along with his brother-in-law (Bhagwan Maroti Pandhare) were going towards his agricultural field on motorbike, at that time, they saw that the group of persons were quarreling with each other. When respondent No.3/ informant tried to enquire as to what is going on, the appellants are alleged to have pelted stones towards them, also slapped them and abused them in filthy language as well as abused them by referring to their tribe. On the basis of these allegations, the

said FIR came to be lodged on 27.09.2025.

5. The learned advocate for the appellants submits that entire allegations in the FIR are concocted, baseless and the said FIR is lodged just to harass the appellants. According to him, bare perusal of the FIR would itself reveal that there is no motive or intention on the part of the appellants to assault or abuse the informant. The learned advocate further submits that the appellants have been falsely implicated. There is delay in lodging the FIR. No prima facie case is made out against the appellants. The appellants are rightly granted ad-interim protection by this Court and therefore, same may kindly be confirmed and the appellants be released on anticipatory bail.

6. *Per contra*, the learned APP strongly opposed the instant appeal. She submits that investigation is almost completed and mere filing of the charge-sheet is remained. The appellants are involved in serious crime against the members of the Scheduled Tribe community. Investigation papers placed before this Court also contain the injury certificate of the informant, which shows that he has received simple injuries. The statement of the informant under Section 183 of the BNSS is also

recorded. The tribe certificate of the informant as that of belonging to the Scheduled Tribe is also obtained by the Investigating Officer. The learned APP, therefore, prayed for rejection of this appeal.

7. I have also heard Ms.Awachar appearing for respondent No.3/ informant, who has adopted the submissions of the learned APP and in addition thereto, she submitted that if the appellants are released on bail, they would threaten prosecution witnesses. According to her, the offence under the provisions of the Atrocities Act is clearly made out. As such, she also strongly opposed the grant of anticipatory bail to the appellants.

8. After having heard the learned advocates for the respective parties and after going through the material available on record including investigation papers made available to me, it is revealed that the incident of 24.09.2025 came to be reported to the police on 27.09.2025. There is no explanation on the part of the prosecution as regards the delay caused in registering the FIR. Even otherwise, the contents of FIR would reveal that the incident has taken place where certain persons were quarreling with each other and when the informant had gone to enquire as to

why the said persons were quarreling, at that time, the appellants are alleged to have abused and assaulted the informant. A bare perusal of the entire FIR would reveal that there is no motive or intention as to why the appellants suddenly started assaulting and abusing the informant. Moreover, investigation in the instant crime is almost over. So also, it is not pointed out by the learned APP as well as the learned advocate for respondent No.3/ informant that the appellants have misused the facility of ad-interim protection granted by this Court. In such circumstances, I am *prima facie* of the view that custodial interrogation of the appellants is not required.

9. In view of the aforesaid facts and circumstances, the instant appeal deserves to be allowed by granting anticipatory bail to the appellants on certain conditions. Hence, the following order:

ORDER

- a) The Criminal Appeal stands allowed.
- b) The impugned order dated 09.10.2025 is quashed and set aside.
- c) In the event of arrest of the appellants in connection

with Crime bearing FIR No.277/2025 registered on 27.09.2025 with Basamba Police Station, Taluka and District Hingoli, for the offences punishable under Sections 351(2), 3(5), 118(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(s), 3(1)(r) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, they shall be released on furnishing PR bond of Rs.20,000/- [Rupees Twenty Thousand Only] each with one solvent surety/ security in the like amount.

d) The appellants shall attend the concerned police station on every Monday at 11:30 am until filing of the charge-sheet and after filing of the charge-sheet, as and when called by the Investigating Officer.

e) The appellants shall not try to contact or pressurize the witnesses or the informant, in any manner whatsoever.

f) The appellants shall not enter territorial jurisdiction of village Bhatsawangi (Tanda), Taluka and District Hingoli, till the filing of the charge sheet and they shall give their residential addresses to the concerned Investigating Officer.

10. The learned advocate for respondent No.3/

informant is appointed through the Legal Aid. Her fees shall be quantified and paid to her by the High Court Legal Aid Services Sub-Committee, Bench at Aurangabad, in accordance with law.

11. However, it is made clear that the observations made in this order are *prima facie* in nature for the purpose of adjudication of this appeal and the learned Trial Court shall not be influenced by the same.

kps

(SUSHIL M. GHODESWAR, J.)