



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

Criminal Appeal No. 1015 Of 2024

1. Nilesh S/o. Bhausahab Satpute
Age : 38 years, Occupation-Agri.
2. Nikhil S/o. Balasaheb Satpute
Age : 26 years, Occupation-Education.

Both R/o Kedgaon, Tq. Nagar,
District Ahmednagar.

.. Appellants

Versus

1. The State of Maharashtra,
Through its Investigation Officer,
Kotwali Police Station, Ahmednagar,
District Ahmednagar.
2. Ranjit S/o. Devram Vairagar
Age : 39 years, Occupation-Labour.
R/o. Laltaki, Baraskar Colony,
Ahmednagar, District Ahmednagar.

.. Respondents

- * Mr. N.B. Narwade, Advocate for the Appellants.
- * Mr. K.K. Naik, APP for Respondent No. 1/State.
- * Mr. Dhanraj S. Ingole, Advocate for Respondent No.2.

CORAM : SHAILESH P. BRAHME, J.

DATE : 18th MARCH 2025

FINAL ORDER :

. Heard both sides. Learned Counsel for the Respondent No.2 tenders on record affidavit.

2. The Appellants are challenging judgment and order dated 13.11.2024 below Exhibit-1 in Criminal Bail Application No.1364/2024 passed by the Additional Sessions Judge, Ahmednagar, Dist. Ahmednagar, rejecting their Anticipatory Bail. They are apprehending their arrest in furtherance of C.R. No.1059/2024 registered with Kotwali Police Station, Dist. Ahmednagar for offences under Sections 352, 351(2), 193(1), 191(2), 190, 189(4), 189(2), 118(2), 118(1) of Bhartiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s), 3(2)(v-a), 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The incident in question took place on 09.09.2024 as reported by Respondent No.2/Informant – Ranjit. The Appellants and the co-accused objected the Informant who was doing the welding work at place of Municipal Councilor Mr. Pathale. The Appellant No.1 is alleged to have inflicted blow on occipital region of head of the informant by sharp object and Appellant No.2 is alleged to have beaten up on shoulder and back of the Informant by wooden stick. They abused the Informant on caste and threatened them. Due to the injuries the Informant was shifted to Pacific Hospital and he was under treatment when First Information Report was recorded on 26.09.2024.

4. Learned Counsel for the Appellants Mr. Narwade submits that there is delay in lodging report. The Appellants are falsely implicated in the offence because of the rivalry and the registration of FIR registered at the instance of the Appellant

No.1/Nilesh. It is submitted that the allegations against the Appellant No.1 is inherently improbable because he was injured as his both legs were fractured and he was hospitalized. It is submitted that the allegations against co-accused Rajendra are also imaginary because he was hospitalized for the treatment of Malignancy at the relevant time. Learned Counsel for the Appellants would advert my attention to the medical papers showing the physical conditions of both the Appellants.

5. It is submitted that the allegations are exaggerated. No offence can be made out to attract the provisions under Prevention of Atrocities Act.

6. Per contra, learned APP opposes the submissions of the Appellants by placing on record the police papers. It is submitted that specific role has been attributed to both the Appellants. The statement of three eye-witnesses were recorded namely Rakesh, Darshan and Saurabh. He would point out the nature of injury from the medical certificate. It is submitted that delay in lodging report has already been explained by the Informant in the report itself. The Appellants are involved in the serious offence and their applications are rightly rejected by the trial Court.

7. Learned Counsel appearing for Respondent No.2 would advert my attention to the colour photocopies of the injuries sustained by the Informant to buttress the submission that accused inflicted grievous injuries and those correspond the allegation against the Appellants. It is submitted that the

Informant was under treatment at the time of registration of FIR and therefore report could not be lodged immediately after the incident. Informant and the rival group of the Appellants are influential.

8. I have gone through FIR bearing C.R. No.1059/2024 lodged at the instance of Respondent No.2 as well as FIR lodged at the instance of Appellant No.1 – Nilesh. I have gone through the affidavit-in-reply filed by the Respondent No.2.

9. It reveals from record that direct incriminating role is attributed to both the Appellants. The incident took place within public view. A prima facie case is made out from the FIR as well as the statements of three eye-witnesses. Besides that the injury certificate corroborates the prosecution case. The Informant sustained a grievous injury and a simple injury. He was hospitalized from 09.09.2024 till 27.09.2024.

10. The investigation is yet to be completed. The custodial interrogation of the Appellants is necessary. The affidavit-in-reply of Respondent No.2 and its annexures indicate that Informant sustained grievous injury on occipital region of head as well as on his back.

11. I have gone through the FIR of C.R. No.996/2024, the medical papers showing the treatment given to the Appellant No.1 and the order dated 27.12.2024 passed by the Additional Sessions Judge, Ahmednagar, Dist. Ahmednagar in Criminal Bail

Application No.1686/2024. This material is not helpful to the Appellants at this stage. It is not possible to hold at this stage that Appellants are falsely implicated in the offence or allegations are exaggerated or due to the injuries sustained by Appellant No.1 and the ailment of co-accused – Rajendra, the allegations are fictitious in nature.

12. I do not find any perversity or patent illegality in recording finding against the Appellants in the impugned judgment and order. A possible view has been taken and no case is made out to cause any interference. Therefore, the Criminal Appeal stands dismissed.

**SHAILESH P. BRAHME
JUDGE**

najeel..