

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 325 OF 2025

1. Chandrakant Raghunath Jadhav
R/o. Vatsala Bhuvan, Lane No.5,
Opposite Vani Diyashala High School,
Kalyan (W), Dist. Thane.

2. Sanjay Raghunath Jadhav
Address as above.

3. Atul Raghunath Jadhav
Address as above.

...Appellants

Vs.

1. The State of Maharashtra
Through Police Inspector, Pimpalgaon Police Station,
Dist. Nashik.

2. Sharad Laxman Sonawane

...Respondents

**ALONGWITH
CRIMINAL APPEAL NO. 335 OF 2025**

1. Arvind Raghunath Jadhav
R/O. Pimpalgaon(B), Taluka Niphad,
Dist. Nashik.

2. Ankush Arvind Jadhav
R/o. Pimpalgaon(B), Taluka Niphad,
Dist. Nashik.

...Appellants

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Vs.

1. The State of Maharashtra
Through Police Inspector, Pimpalgaon Police Station,
Dist. Nashik.

2. Sharad Laxman Sonawane

...Respondents

**ALONGWITH
CRIMINAL APPEAL NO. 336 OF 2025**

Dipak Rangnath More
R/o Janori
Kokangaon, Taluka Niphad,
Dist. Nashik.

...Appellant

Vs.

1. The State of Maharashtra
Through Police Inspector, Pimpalgaon Police Station,
Dist. Nashik.

2. Sharad Laxman Sonawane

...Respondents

**ALONGWITH
CRIMINAL APPEAL NO. 363 OF 2025**

1. Satish Ramrao Deshmane
r/o. Shivaji Nagar, Pimpalgaon
Baswant, Taluka – Niphad,
Dist. Nashik.

2. Dilip Laxman Deshmane
r/o. Shivaji Nagar, Pimpalgaon
Baswant, Taluka – Niphad,
Dist. Nashik.

...Appellants

Vs.

1. The State of Maharashtra
Through Police Inspector, Pimpalgaon Police Station,
Dist. Nashik.

2. Sharad Laxman Sonawane

...Respondents

Mr. Abhijit Patil	Advocate for the Appellant in Cri. Appeal No. 325 of 2025
Ms. Deepti Thorat a/w. Abhijit Patil	Advocate for Appellant in Criminal Appeal No. 336 of 2025
Dhananjay B. Thoke a/w. Prasadsing Salunke	Advocate for Appellant in Criminal Appeal No. 335 of 2025
Mr. H.J. Dedhia	APP for the Respondent-State
Mr. Ramesh Dubepatil a/w. Adv. Lisa Das i/by Jay and Co.	Advocate for the Appellants in Cri. Appeal No. 363 of 2025
Adv. Hrishikesh P. Giri (through v.c.)	Advocate for the Respondent No. 2 in all appeals
PSI Machindra Kolhe	Pimpalgaon Police Station

CORAM : S.M. MODAK, J

DATE : 7th October 2025.

P.C. :

Heard learned Advocate for the Appellants in all these Appeals. Also heard learned APP and learned Advocate for the first informant virtually.

2. All the Appellants have been denied anticipatory bail by the Court of Additional Sessions Judge, Niphad as per the separate orders. All the Appellants are alleged to have abused and insulted the witnesses Gorakh Rajaram Suryawanshi by challenging their competence to run hotel. This incident took place on 7th July 2024 at about 9.00 a.m.. All the Appellants including 7-8 unknown

persons have entered the hotel premises by name Shiv Sai Hotels. It is situated near the Pimpalgaon Toll plaza at Mumbai-Agra Highway. These accused persons have caused damage to various articles to the extent of Rs. 8 to 10 lakhs and during that incident an amount of Rs.12,000/- to Rs. 13000/- was misplaced from cash box. Said Gorakh was also threatened. This was informed by Gorakh to his uncle who is Respondent No.2. At that time Respondent No.2 had gone to Sindkheda, Dist. Dhule. He returned on 8th July 2024 and taken stock of the situation. Firstly, the said Respondent No.2 has informed Superintendent of Police vide his letter dated 9th July 2024. There is much emphasis on variance in the allegations in the said letter and contents of the FIR. The said letter is annexed to the affidavit-in-reply filed by Respondent No.2.

3. It is the contention on behalf of Respondent No.2 that inspite of several follow-ups the police have not taken any action and that is why first informant was compelled to file a private complaint before the Court of Additional Sessions Judge, Niphad. In fact by giving a pursis the first informant has withdrawn this complaint. The pursis is on Page-90 and the order passed by the trial Court dated 11th October 2024 is on Page No.89 of the Criminal Appeal No.335/2025. The reason quoted for withdrawal is some technical difficulties.

4. On this background, the FIR came to be registered on 4th March 2025. It was registered with Pimpalgaon Police Station for

the offences punishable under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes Act, 1989 and under Sections 181, 190, 191(2), 324(4), 324(5), 351(1), 351(2), 352 of Bhartiya Nayaya Sanhita.

The Background for the incident

5. The hotel premises of the first informant is by way of encroachment on a land. In the FIR the first informant has described Appellant- Arvind Jadhav who claims to be the owner of the land whereas in the complaint to the Superintendent of Police dated 9th July 2024, first informant has described one Abhishek Arun Gaikwad from whom he has taken the hotel business on a rental basis.

6. There is an agricultural land bearing Survey No.485/1,485/2,485/3 situated at Village Pimpalgaon. The 7/12 extracts are there on Pages 43 to 47 of the Criminal Appeal No.335/2025. The name of the National Highway Authority, Central Government is shown on a certain area on 7/12 extract of those lands whereas the names of some of the Appellants (excluding the Appellants in Appeal No.363/2025) are shown on those 7/12 extracts. All the Appellants contend that the construction of the hotel by the first informant is unauthorised and that is causing obstruction to the traffic and to the parking of the vehicles and that is why National Highway Authority has taken recourse to the

provisions of National Highway Land and Traffic Act, 2002 and issued notices to the Appellant-Arvind Jadhav and Dipak More asking them to close unauthorised access to the location and to remove unauthorised encroachment failing which Noticees will be liable to penalty and summary eviction. Those Notices are part of Criminal Appeal No.335/2025 (Page Nos.55 to 61). They are as follows:

- 1) Notice dated 30th November 2021
- 2) Notice dated 13th January 2022
- 3) Notice dated 25th February 2022
- 4) Notice dated 20th June 2024

7. There is also submission made that not only the said authority but even the Pimpalgaon Baswant Gram Panchayat and Pimpalgaon Police have asked the 3 occupants of the unauthorised structure and the Appellant-Arvind to remove the unauthorised construction. Apart from the hotel run by the first informant, there are also two other structures possessed by one Dilip More and Mohd. Qurban.

8. On this background, the incident took place on 7th July 2024 at about 9.00 a.m.. During investigation apart from the statement of the Gorakh Suryavanshi, learned APP has also pointed out to me the statement of one Ritu Sonawane and Abhijeet Arun Gaikwad who is witness to the incident of caste abuses and causing damage. There is recording of the incident with the help of the mobile handset and learned APP has pointed out to me the copy of the Panchnama dated

16th September 2025 done by the Sub-divisional Police Officer, Nashik (Rural). The mobile recording done by witness Gorakh is seen on laptop and in all 29 videos were viewed and the Gorakh has identified which of the Appellants were present at the time of incident.

9. According to learned APP, the presence of all the Appellants except Accused No.3 – Dilip Deshmane, Accused No.5- Chandrakant Jadhav and Accused No.7-Atul Jadhav is seen in those videos. It is also true alongwith the affidavit, the first informant has annexed three photographs and according to learned Advocate for the first informant the presence of Accused No.3-Dileep, presence of Accused No.6-Satish and Accused No.4-Sanjay and presence of Accused No.1-Arvind, Accused No.2-Ankush and Accused No.8-Dipak is seen in those photographs. Even one JCB is seen in that photograph. From the photographs it seems that persons seen in these photographs are talking to each other. For want of instructions, learned Advocate for the first informant is unable to tell who is a person in blue full sleeve shirt.

10. It is also true in these statements shown to me by learned APP names of 8 accused persons are there. Learned APP opposed allowing the appeal mainly for the reason that custodial interrogation is required because the instruments used at the time of demolition are to be seized and even the lost amount from cash box is to be seized. Even the learned Advocate for the first informant made

following submissions:-

- (i) The Appellant-Satish Deshmane is brother-in-law of the Appellant-Arvind.
- (ii) It is not the case of the Appellants that the demolition was done in the presence of the Officers of the National Highway Authorities and the JCB owner who is the Appellant in Appeal No.336/2025 was called by the owner of the land.
- (iii) According to him there is a bar for grant of anticipatory bail as contemplated under the provisions of Section-18 of the SC & ST Act.

11. Whereas learned Advocate appearing in **Criminal Appeal No.335/2025** has advanced the lead arguments. His submissions are as follows:-

- A) Even though the incident is of 7th July 2024, the FIR came to be registered after prolonged delay on 4th March 2025.
- B) There is a lot of variance in a complaint made to Superintendent of Police on 9th July 2024 and FIR dated 4th March 2025.
- C) Though the act of demolition is not disputed during arguments, all the learned Advocates made a submission that National Highway Authority have asked the owner to demolish the construction. Reliance is placed on the various notices issued by the National Highway Authorities.

D) My attention is invited to the station diary entry from Pimpalgaon Police Station dated 10th February 2025. There is a reference that first informant is not interested to register a case as per the provisions of SC & ST Act but he is interested in getting compensation for shop/hotel. There is also reference that they will not withdraw the application unless and until the settlement will be arrived at. Learned Advocate for Respondent No.2 submitted that this entry is not supported by any statement of first informant recorded by the Police.

12. In **Criminal Appeal No.325/2025** earlier submissions were reiterated. In addition to that a submission is made that the Appellants therein were not present at the spot. Whereas in **Criminal Appeal No.336/2025**, submission is advanced that the Appellant is a JCB driver and he is not concerned with any alleged dispute in between the owner of the land and the first informant.

13. Whereas in **Criminal Appeal No.363/2025**, a submission is made that they are owners of petrol pump and cold storage situated near the disputed site and even they are not concerned with the dispute amongst the owners and the first informant. My attention is also invited to an article in a local newspaper in respect of demolition of encroachment near toll plaza. Learned Advocate for Respondents tried to differentiate the incident narrated in the said newspaper and the incident which is recorded in the FIR. There is reliance on observations in following two judgments:-

- 1) ***KedarSingh Dharma Patil v/s. State of Maharashtra***¹, more specifically in Para No.12.
- 2) ***Jagdish Sajjankumar Banka v/s. State of Maharashtra and anr.***² more specifically Para Nos.26 and 27.

14. The Appeals need to be decided on the basis of materials collected during investigation and the submissions advanced across the bar. It is true if the Court finds that *prima facie* case for invocation of the provisions of SC & ST Act is not made out, then certainly the prayer for anticipatory bail can be considered. It is true the first informant is the eye witness. If the statements of 3 eye witnesses are perused, what can be gathered is there is an allegation that

"तुम्ही आदिवासी लोकं तुमची हॉटेल टाकायची लायकी आहे काय?"

15. It is true that said Gorakh has not specifically alleged who has given these caste abuses. This is also true for remaining two witnesses. It is also true that prior to registration of the offences on 4th March 2025 there is a complaint lodged with Superintendent of Police on 9th July 2024. No doubt in that complaint there is a reference of only "*Arvind Jadhav, Ankush and Dilip and other 10-15 persons.*" There is no reference that these persons have labelled either Gorakh or the first informant by their caste and referred

1 2019 Supreme (Bom) 214

2 2023 SCC Online Bom 581

generally about the competence of Adivasi persons. What is referred is in respect of the complaint to Pimpalgaon Police Station he could not get justice and that is how there is injustice to him because he is a member of Adivasi Koli community.

16. The private complaint which was filed was withdrawn on 11th October 2024 whereas the Pimpalgaon police have recorded in their station diary that the first informant is not interested in prosecuting case as per the SC & ST Act but is interested only if he is compensated for the hotel damage. If all these circumstances are considered and the circumstance of delay in filing FIR, there is a reason to believe that provisions of SC & ST Act will not be *prima facie* applicable. As such the bar under Section 18 will not be applicable.

17. Considering the conduct of the first informant in approaching late to the police, the submission for personal interrogation cannot be considered. So I allow the anticipatory bail.

18. The Court of Additional Sessions Judge dealing with the applications had laid more emphasis on the first informant being member of scheduled tribe community and his dignity was ransacked by the accused. Even though this allegation is there, the Court cannot overlook other circumstances which are brought on record and one of the circumstance which is record of Pimpalgaon Police Station. So the trial Court has not properly appreciated the materials.

Hence, those orders need to be quashed and set aside. These are my prima facie observations. The learned trial Court need not be influenced by them. I am inclined to allow all the Appeals and pass following order:

ORDER

- (i) All the appeals are allowed.
- (ii) The order dated 17th March 2025 passed by the Additional Sessions Judge, Niphad is set aside.
- (iii) In case of arrest in connection with C.R. No.60/25 dated 6th March 2025 registered with Pimpalgaon Police Station for the offences punishable under Sections 181, 190, 191(2), 324(4), 324(5), 351(1), 351(2), 352 of BNS and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Appellants-
 - (i) Chandrakant Raghunath Jadhav,
 - (ii) Sanjay Raghunath Jadhav,
 - (iii) Atul Raghunath Jadhav,
 - (iv) Arvind Raghunath Jadhav,
 - (v) Ankush Arvind Jadhav,
 - (vi) Dipak Rangnath More and
 - (vii) Satish Ramrao Deshmane and
 - (viii) Dilip Laxman Deshmanebe released on bail on furnishing Personal Bond

and Surety Bond of Rs.25,000/- each.

- (iv) They are directed to give attendance to Pimpalgaon Police Station on the second and third Monday of month of October, November and December from 10.00 a.m. to 11.00 a.m. or till filing of the charge-sheet whichever is earlier.
- (v) They are directed not to threaten the prosecution witnesses or allure or contact them in any manner.
- (vi) If there is breach of any of the conditions, their anticipatory bail is liable to be cancelled subject to notice.
- (vii) Parties to act on an authenticated copy of the order.

18. With these observations, all the Appeals are disposed of.

(S.M. MODAK, J.)