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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO.206 OF 2025

Vivek @ Vicky s/o Rajesh Joshi,
Aged about 24 Years,
Occupation : Labour,
R/o Shastri Ward, Umarkhed,
Taluka Umarkhed, District Yavatmal.

.... APPELLANT

// VERSUS //

1. The State of Maharashtra,
Through Police Station Officer,
Umarkhed, Taluka Umarkhed,
District Yavatmal.

2. Girish Uttam Dangore,
Aged about 24 Years,
Occupation : Student,
R/o Hanuman Ward,
Umarkhed, Taluka Umarkhed,
District Yavatmal.

.... RESPONDENTS

Mr. S. V. Sirpurkar, Counsel for the appellant.
Ms. Ritu Sharma, APP for the respondent No.1 /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08.05.2025

1. Heard.

2. **Admit.**

3. By preferring this appeal, the appellant has challenged the order dated 16.10.2024 passed by the learned District Judge - 2 and Additional Sessions Judge, Pusad, District Yavatmal in Criminal Bail Application No.330/2024, rejecting the application of the present appellant for grant of anticipatory bail.

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4. The appellant is apprehending arrest at the hands of police in connection with Crime No.529/2024 registered with Police Station Umarkhed, District Yavatmal, for the offence punishable under Sections 118(1), 115(2), 3(5), 324(4), 189(2), 191(2)(3), 190 of the Bharatiya Nyaya Sanhita, 2023, under Section 4/25 of Indian Arms Act and under Sections 3(1) (r), 3 (1)(s), 3 (2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989').

5. As per the prosecution case, the complainant Girish Dongore, who is belonging to the Scheduled Caste filed a report on 06.08.2024 and alleging that he was taking dinner in Sardar Dabha of Nandgavhan along with his friend and at that time, the present appellant and the other co-accused uttered words abusing him on his caste, thereafter the complainant and his friend started proceeding to Umarkhed. At that time, the present appellant along with the other co-accused came to his house armed with weapons like sword and the fighter and caused injuries to the injured as well as the informant. In the said incident, his mother and brother also intervened and pacified quarrel. They were also assaulted by the present appellant and the present appellant also caused damage to their house. On the basis of the said report, police have registered the crime.

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6. After registration of the crime, the appellant approached to the learned Special Court for grant of anticipatory bail in the event of arrest, but the learned Special Court has rejected the application in view of bar under Section 18 of the Act of 1989.

7. Heard learned Counsel for the appellant, who submitted that appellant is ready to surrender before the learned Special Court, in between, he be protected for one week. He will cooperate with the investigating agency if his attendance is required. In view of that, he be protected for a limited period.

8. Learned APP strongly opposed for the same and submitted that as far as the investigation is concerned, which is already completed, the weapons are already recovered. In view of that, the appeal deserves to be rejected, considering the role attributed to the present appellant.

9. On hearing both sides and on perusal of the entire investigation papers, it reveals that the specific role is attributed to the present appellant who visited the house of the informant along with weapons like sword and the fighter. In the said incident, the injured and the informant both have sustained the injuries. They have also caused the damage to the house. Considering all these aspects and considering the statement made by the learned Counsel for the appellant, the appellant can be permitted to surrender

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before the Special Court and during the interval time, he can be protected by granting ad-interim protection. Accordingly, I proceed to pass following order:

ORDER

(i) In the event of arrest in connection with Crime No.529/2024 registered with Police Station Umarkhed, District Yavatmal, the appellant **Vivek @ Vicky s/o Rajesh Joshi** shall be released on ad-interim anticipatory bail for ten days for the offence punishable under Sections 118(1), 115(2), 3(5), 324(4), 189(2), 191(2)(3), 190 of the Bharatiya Nyaya Sanhita, 2023, under Section 4/25 of Indian Arms Act and under Sections 3(1) (r), 3 (1)(s), 3 (2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on executing PR bond of Rs.25,000/- with one solvent surety in the like amount.

(ii) The appellant shall surrender before the Special Court on **13.05.2025** and shall file an appropriate application.

(iii) The Special Court shall consider his application on its own merits expeditiously.

The appeal No.206/2025 in view of the above disposed of.

(URMILA JOSHI-PHALKE, J.)