



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

CRIMINAL APPEAL NO. 154 OF 2025

APPELLANTS

1. Santosh Vitthal Abale,
Aged about 49 years, Occu: Labour,
2. Gajanan Shivaji Abale,
Aged about 34 years, Occu: Labour.
3. Prasad @ Takesh Santosh Abale,
Aged about 25 years, Occu: Labour.
4. Yogesh Shivaji Abale,
Aged about 31 years, Occu: Labour.
5. Shivaji Vitthal Abale,
Aged about 31 years, Occu: Labour,
r/o Mandwa, Tq. Pusad, Distt. Yavatmal.

-VERSUS-

RESPONDENTS

1. The State of Maharashtra,
through Police Station Officer,
Pusad (Rural) Dist. Yavatmal.
2. Alka Ramesh Dhole,
Aged about- Adult, Occu: Sarpanch,
R/o Mandwa, Tq. Pusad, Dist. Yavatmal.

Mr. Saurabh A. Chaudhari, counsel for appellants.
Mrs. Sneha S. Dhote, APP for respondent/State.
Mr. S.S. Shaikh, counsel for respondent No.2.

CORAM : **URMILA JOSHI-PHALKE, J.**
DATE : **04/08/2025**

ORAL JUDGMENT :

1. Heard. **Admit.** Heard finally with the consent of learned counsels appearing for the parties.
2. By preferring this appeal, the appellants have challenged the order passed by the Additional Sessions Judge, Court No.1, Pusad, in Criminal Bail Application No. 78/2025, by which the application of the present appellants for grant of anticipatory bail was rejected.
3. Learned Counsel for the appellants submitted that the crime is registered against the present appellants on the basis of the report lodged by Alka Ramesh Dhole, who was elected as a Sarpanch of the said village. As per the allegations, the drainage line in front of the house of the present appellants was broken, and therefore, they were asking the complainant to repair the same. The informant promised them to repair the same, but as it

was not repaired, there was a hot exchange of words between them, and in the said incident, the present appellants allegedly abused her on her caste as well as assaulted her and her son. On the basis of the said report, police have registered the crime against the present appellants.

4. Learned Counsel for the appellants submitted that as far as the allegations are concerned, which are omnibus in nature, and therefore, bar under Section 18 of the Atrocities Act will not attract. As far as the custodial interrogation is concerned, which is not required. It is further brought to notice that now both parties have already settled their dispute amicably.

5. Learned APP strongly opposed the appeal and submitted that as far as appellant Nos.1, 2 and 5 are concerned, a specific role is attributed to them, and therefore, the bar under Section 18 of the Atrocities Act will attract, in view of that, the prayer for grant of anticipatory bail deserves to be rejected.

6 Learned counsel for respondent No. 2 is also present, who admitted that now the dispute between both the parties have been settled.

7. On hearing both sides and on perusal of the

investigation papers, it reveals that omnibous allegations is levelled against the present appellants, no specific role is attributed to them. As far as the custodial interrogation is concerned, which is not required. In view of that prayer for grant of anticipatory bail deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- a] The criminal appeal is **allowed**.
- b] The order passed by the Special judge and Additional Sessions Judge, Court No.1, Pusad, rejecting the Criminal Bail Application No. 78/2025 is hereby quashed and set aside.
- c] The appellant No.(1) **Santosh Vitthal Abale** (2) **Gajanan Shivaji Abale** (3) **Prasad @ Takesh Santosh Abale** (4) **Yogesh Shivaji Abale** (5) **Shivaji Vitthal Abale** shall be released on anticipatory bail in connection with Crime No.66/2025 registered with police station Pusad, District Yavatmal for the offence punishable under Sections 115(2), 118(1), 189(2), 296, 351(2) and 351(3) of the Bharatiya Nyaya

Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, be released on bail, on executing P.R. Bond of Rs. 25,000/- each with one solvent surety in the like amount.

- d] The appellants shall attend the concerned police station once in a week on every Sunday between 10.00 a.m. to 01.00 p.m. till filing of the charge-sheet and shall cooperate with the investigating agency.
- e] The appellants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case, either personally or by way of electronic media.

Criminal appeal is **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J.]