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

CRIMINAL APPEAL NO.255 OF 2025

1. Shankar s/o Ramsing Thakur,
Age – 22 Years, Occupation : Business,
R/o. Near Gajanan Oil Mill,
Shikshak Colony, At Post Ansing,
taluka and District Washim – 444505.
2. Manish s/o Ramsing Thakur,
Age – 28 Years, Occupation : Business,
R/o. Behind Bus Stand,
At Post. Ansing,
Taluka and District Washim – 444505.
3. Ramsing s/o Ramcharan Thakur,
Age – 55 Years, Occupation: Business,
R/o. At Post. Khadsing,
PO. Pimpalgao,
Taluka and District Washim – 444505. **APPELLANTS**

// VERSUS //

1. The State of Maharashtra
through Police Station Officer,
Ansing, Police Station Ansing,
District Washim.
2. Rishikesh s/o Sahebrao Khillare,
Age : 24 Years, Occupation – Truck Driver,
R/o. Kanhergaon Naka,
Taluka and District Hingoli. **RESPONDENTS**

Mr. N. D. Dhawda, Counsel for the appellants.
Mr. C. A. Lokhande, APP for the respondent No.1/State.
Mr. S. R. Jaiswal, appointed Counsel for the respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 15.07.2025

ORAL JUDGMENT :

1. Heard.

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2. **Admit.**

3. By preferring this appeal, the appellant has challenged the order passed by the learned Sessions Judge, Washim in Criminal Bail Application No.105/2025, rejecting the application of the present appellants for grant of anticipatory bail.

4. The appellants are prosecuted in connection with Crime No.71/2025 registered Police Station Ansing, District Washim for the offence punishable under Sections 333, 74, 118(1), 324(4), 115(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989').

5. After registration of the crime, the appellants approached to the learned Special Court and Sessions Court, Washim for grant of anticipatory bail, the same was rejected and hence, this present appeal.

6. The crime was registered on the basis of report lodged Rishikesh Sahebrao Khillare on an allegation that there is a previous dispute between the present appellants and his family members. On 03.04.2025 at about 6.00 p.m., when he was present along with his family members, at the relevant time, the present appellants along with the other accused, holding sticks in their hands and

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abused them on their castes and assaulted them by means of iron Crowbar and sticks, in which the prosecution witnesses have sustained the injuries. On the basis of the said report, police have registered the crime against the present appellants.

7. Heard learned Counsel for the appellants, who submitted that there is omnibus allegation levelled, as far as the provisions of the Atrocities Act are concerned. The appellants have also sustained the injuries in the said incident. The cross-complaints are filed. In view of that, the appellants be released on anticipatory bail by protecting them.

8. Learned APP and learned appointed Counsel for the respondent No.2 strongly opposed for the same and submitted that the cross-complaint is lodged after four days of the incident. The injured has sustained the grievous injuries. There are specific allegations levelled against the present appellants, in view of that bar under Section 18 of the Act of 1989 will attract and therefore, the application rightly rejected by the learned Special Court. In view of that, the appeal deserves to be dismissed.

9. On hearing both sides and on perusal of the investigation papers, it reveals that there was a previous dispute between the parties and out of that dispute, the alleged incident has occurred. As far as the allegations regarding the application of provisions of the Atrocities Act are concerned, admittedly, the

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omnibus allegation is levelled against all the appellants. But as far as the assault by the appellants is concerned, there is a specific allegation that the appellant No.1 Shankar Ramsing Thakur was holding stick in his hand and appellant Manish Ramsing Thakur was holding Crowbar in his hand, whereas another appellant was holding stick in his hand. In the said incident, Surekha Gajanan Yewale has sustained the simple injury, Swati Khillare also sustained the injuries and Rishikesh Sahebrao Khillare has sustained the grievous injuries. The nature of the injuries is trauma to head, laceration on over left leg. In the present incident, three persons have sustained the injuries. The appellants came at the spot of incident by preparing themselves. The considerations for grant of anticipatory bail and the considerations for grant of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 are different. As far as the present appellants are concerned, there is a specific role attributed to them, as far as the assault by them is concerned. In view of that, their custodial interrogation is required for the purpose of recovery of the said weapons and mobile phone. In view of that, the learned Sessions Judge has rightly rejected the application, no interference is called for. In view of that, appeal deserves to be dismissed. Accordingly, I proceed to pass following order:

ORDER

- (i) The appeal is dismissed.

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(ii) The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)

Sarkate.