IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 403 OF 2026

Suresh Vishwanath Wagh
VERSUS
The State Of Maharashtra And Others

Mr. S. R. Andhale, Advocate for appellant
Mr. A. R. Kale, APP for respondent-State
Ms. Yugandhara Namde, Advocate for respondent No. 3

CORAM : R. M. JOSHI, J.
DATE : 08th OCTOBER, 2026

PER COURT :-

1. Appellant seeks pre-arrest bail in connection with Crime No. 534 of 2026 registered with Pathardi Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 351(2), 351(3), 352, 189(2), 190, 191(2) of the Bharatiya Nyaya Sanhita and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. First Information Report indicates that two incidents have occurred on 05.05.2026 and 06.05.2026 in which present appellant said to have abused informant over his caste and also threatened him to kill. As far as incident dated 05.05.2026 is concerned, said incident is said to have occurred in the house of Shivaji Pandurang Wagh, who is neighbour of the informant, whereas the incident dated 06.05.2026 has occurred in the house of informant himself.

3. Learned Counsel for appellant submits that admittedly there are disputes between the informant and the appellant. Even, civil dispute is pending between them. It is his submission that owing to the said dispute, this is a case of false implication. According to him, there is inordinate and unexplained delay in lodging of the report which creates serious doubt about the allegations against him.

4. Learned APP and learned counsel for informant opposed to grant any relief to appellant by referring to the allegations against appellant in the First Information Report. Learned APP also drew attention of the Court to the statement of witnesses recorded during the course of investigation which supports the case of the informant. Thus, according to them, since the offence in question has occurred in public view, embargo created by Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act would apply to the instant case. There is no dispute about the fact that parties are litigating civil litigation before the competent Court. The incident said to have occurred on 05.05.2026 and 06.05.2026 whereas report lodged on 12.05.2026, there is no explanation for non lodging of the report in reasonable time. The incident of 06.05.2026 is said to have occurred in the house of informant and as such there is reason to accept the contention of learned Counsel for appellant that the incident has not occurred in public view. In so far as incident of 05.05.2026 was occurred in the house of neighbor of

the informant. Perusal of the investigation papers do not show recording of statement of this neighbor but only statements which fairly part of the investigation papers are of the relatives of the informant who are not independent witnesses. Having regard to the judgment in case of ***Hitesh Verma vs. The State of Uttarakhand, AIR 2020 SC 5584,*** this is a fit case to protect liberty of the appellant. Hence, the following order :-

ORDER

(i) Appeal is allowed.

(ii) In the event of arrest of appellant in connection with Crime No. 534 of 2026 registered with Pathardi Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 351(2), 351(3), 352, 189(2), 190, 191(2) of the Bharatiya Nyaya Sanhita and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

(iii) He shall attend the concerned police station as and when called by Investigating Officer.

(iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) He is further directed to cooperate the investigating agency for further investigation.

5. Fees of the appointed Counsel is quantified at Rs. 10,000/- and it is to be paid by the High Court Legal Services Authority, Sub-Committee, Aurangabad

(R. M. JOSHI, J.)

B. S. Joshi