IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

922 CRIMINAL APPEAL NO. 465 OF 2026

Gokulchand Dipchand Parakh ....Appellant

VERSUS

The State of Maharashtra & another .....Respondents

.....

Mr. S. S. Chapalgaonkar, Advocate for Appellant
Mr. A. R. Kale, APP for the State.
Mr. A. S. Gandhi, Advocate for Respondent No. 2.

CORAM : R. M. JOSHI, J.
DATE : 8th OCTOBER, 2026.

PER COURT :

1. Appellant seeks pre-arrest bail in connection with Crime No. 123/2026, registered with Kopargaon Rural Police Station, District Ahilyanagar, for the offences punishable under Sections 329(3), 115(2), 352, 351(2) of Bharatiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. First Information Report lodged by Respondent No. 2 depicts that on the fateful day at about 5.00 pm, present Appellant along with 15 to 20 persons came to the spot. He threatened the informant to vacate the land. Present Appellant as well as co-accused abused

the informant over his caste. They also abused relative of the informant who gathered at the spot.

3. Learned Counsel for the Appellant submits that admittedly there is long standing dispute between the parties over agricultural land and this is a classic case wherein false report is lodged invoking provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. It is his further submission that even the allegations in the First Information Report are accepted to be true, offence cannot be said to have been committed within public view. He further argued that it is not possible that more than one person in one go will hurl abuses as alleged.

4. Learned APP and learned Counsel for the informant opposed grant of any protection to the Appellant. It is the contention of learned Counsel for the informant that in the First Information Report it is stated that the Appellant came to the spot along with 15 to 20 persons and therefore, offence has occurred in public view.

5. Prima facie perusal of the First Information Report does not indicate that the offence has been committed in public view.

Informant specifically states about his relatives being gathered on the spot. Perusal of investigation papers does not indicate presence of any other person than informant and his relatives on the spot. Thus, this Court finds substance in the contention of learned Counsel for the Appellant that the incident in question cannot be considered to have occurred in public view. This Court also finds substance in the contention of learned Counsel for the Appellant that this could be a case of false implication owing to the previous disputes over property between the parties. Hence, appeal is allowed in following terms :-

ORDER

(i) In the event of arrest of appellant Gokulchand Dipchand Parakh, in connection with Crime No. 123/2026, registered with Kopargaon Rural Police Station, District Ahilyanagar, for the offences punishable under Sections 329(3), 115(2), 352, 351(2) of Bharatiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.

(ii) He shall attend the concerned police station as and when called.

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

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

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

(vi) Learned APP to communicate this order to the concerned Investigating Officer.

6. It is clarified that the observations made hereinabove are prima facie in nature and the Trial Court shall not get influenced by the same.

(R. M. JOSHI, J.)

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