



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 CRIMINAL APPEAL NO. 260 OF 2025

Uttamrao Nagorao Hatiambhire

VERSUS

The State Of Maharashtra And Others

...

Mr. Shahaji B. Ghatol Patil , Advocate for Appellant

Mr. S. S. Dande, APP for Respondent State

Mr. Amit A. Yadkikar a/w Mr. Akshay Kulkarni, Advocates for
Respondent Nos. 2 to 5 accused

CORAM : Y. G. KHOBRADE, J.

Dated : 1st April, 2026

PER COURT :-

1. Heard learned counsel for the appellant-informant, learned
APP for the respondent- State and learned counsel for respondent Nos.
2 to 5/original accused.

2. By the present appeal under Section 14-A of the Scheduled
Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the
appellant informant put forth prayer clause (B) as under:

"(B) The impugned order passed below Exh.1 in Criminal Bail
Appln. No. 213 of 2015 passed by the learned Additional
Sessions Judge-3, Parbhani dated 29.03.2025 thereby releasing
the respondent NO.2 on regular bail and order passed below
Exh.1 in Criminal Bail Appln. No. 210 of 2025 passed by the
learned Additional Sessions Judge-3, Parbhani thereby releasing
respondent Nos. 3 to 5 on anticipatory bail may kindly be
quashed and set aside and it may kindly be ordered to arrest

Respondent Nos. 2 to 5 and commit them into custody and for that purpose, issue necessary orders."

3. The learned counsel for the appellant canvassed that on 03.03.2025, the appellant/informant lodged a report with Purna Police Station, District Parbhani alleging that in the month of November, 2025 his maid/servant informed him that the accused persons are repeatedly visiting agricultural field and disclosed to his servant that they are owners and in possession of the said field and they damaged the sugarcane crops and fodder. Therefore, he asked the accused persons to resolve the dispute by initiating court/legal proceedings. However, on 02.03.2025, at about 10.30 a.m. when he visited his field, at that time, the respondents/accused 2 to 5 abused him on his caste and threatened, saying him to do whatever he want. On the basis of said report, Crime No. 65/2025 was registered with Purna Police Station District Parbhani for the offences punishable under section 329(3), 324, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Indeed, respondent Nos. 2 to 4/original accused filed Criminal Bail Application No. 162 of 2025 and prayed for anticipatory bail in Connection with Crime No. 65 of 2025. On 13.03.2025, the learned Special Court, Parbhani passed an order and enlarged the respondent nos. 2 to 5/accused on anticipatory bail on execution of P.R. bond of Rs.30000/- each with one solvent surety in the like amount on

the following conditions:

- (a) Applicants shall attend concern police station on every Monday in between 11.00 am to 01.00 pm till filing of charge-sheet.
- (b) The Investigating Officer is directed to maintain the record of visits of the applicants and report the same to concern Court.
- (c) Applicants shall not tamper with the prosecution witnesses in any manner.
- (d) Applicants shall furnish the address of their residence, copy of PAN or Aadhar card and mobile number at the time of execution of bond and shall not change the residence without prior permission of the Court.
- (e) Applicant shall not indulge in any criminal activity in the future.

5. Despite of the said fact, respondent nos. 2 to 5 accused indulged into criminal activities. On 22.03.2025, at about 9.45 a.m., all the accused nos. 2 to 5 entered into his field and stole Jawar and fodder approximately worth Rs. 50,000/- from his field. When the informant asked the accused about the said fact, they threatened him and abused him in filthy language on caste. It is further alleged that, since the informant belongs to a Scheduled Caste, the accused were trying to forcibly take possession of his land. On the basis of said oral report, a Crime No. 98 of 2025 of 2025 registered with Purna Police Station, District Parbhani for the offences punishable under section 329(3), 303(2) 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled

Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

6. After the crime was registered, Respondent No.2 filed Criminal Bail Application No. 213/2025 and prayed for regular bail in connection with Crime No. 98 of 2025. Whereas, the respondent nos.3 to 5/accused have filed Criminal Bail Application No. 210 of 2025 for anticipatory bail. On 29.03.2025, the learned Special Judge passed the order in Criminal Bail Application No. 213/2025 and Criminal Bail Application No. 210/2025 and enlarged the respondent No.2/accused on regular bail and respondent nos. 3 to 5/accused on anticipatory bail on certain conditions.

7. Mr. Ghatol-Patil, the learned counsel appearing for the appellant canvassed that, respondent nos. 2 to 5 have committed heinous crime for which Crime No. 65 of 2025 was registered against them on 03.03.2025 and after they released on bail in first crime, again they committed similar nature of crime and hence Crime No. 98 of 2025 was registered against them. Therefore Respondent nos. 2 to 5/accused have committed second crime and breached the order dated 13.03.2026. Therefore, it is necessary to quash and set aside the order dated 29.03.2025 and remand the accused in judicial custody.

8. The learned counsel appearing for the appellant/informant further canvassed that respondent nos. 2 to 5 /accused have jumped the bail conditions as prescribed in the order dated 13.03.2025 and

again on 22.03.2025 the respondents/accused have committed the similar nature of crime; hence prayed to quash and set aside the impugned order dated 29.03.2025.

9. Learned APP supported the arguments canvassed on behalf of the appellant. According to the learned APP, the respondent nos. 2 to 5/accused have committed breach of order dated 13.03.2024, whereby respondent nos. 2 to 5 were enlarged on anticipatory bail in connection with Crime No.65 of 2025. Hence, second FIR i.e. Crime No. 98 of 2025 came to be registered on 24.03.2025 against respondent nos. 2 to 5. The said offence was committed within public view. Therefore, as per provisions of section 18-A of the SC & ST Act, the bar is created to enlarge the appellant accused on bail. Per contra, the learned counsel appearing for respondent nos. 2 to 5 /accused supported the findings recorded by the learned trial court.

10. In case in hand, the respondents/accused have not denied that, first crime i.e. Crime No. 65 of 2025 was registered on 03.03.2025 and the accused/respondents were released on bail vide order dated 13.03.2025. It is also not denied that the second crime, being Crime No. 98 of 2025, was registered, and that they were enlarged on bail in Criminal Bail Application No. 213 of 2025 and Criminal Bail Application No. 210 of 2025, on regular bail and anticipatory bail, respectively. However, the learned counsel appearing for respondent nos. 2 to 5 canvassed that, there is no allegation about jumping the

bail conditions imposed by the learned trial court vide order dated 29.03.2025. So also, the informant has not brought any documentary evidence on record to show that respondent Nos. 2 to 5 have breached the bail conditions, and no such incident has been reported after the order dated 29.03.2025. The appellant-informant has not lodged any complaint regarding breach of the bail conditions imposed by the learned Special Court under order dated 29.03.2025 in Criminal Bail Application No. 213 of 2025 and Criminal Bail Application No. 210 of 2025. As such, the appellants have not breached any bail conditions, therefore, the learned trial court recorded the proper findings and passed the order dated 29.03.2025, which is just and proper. Hence, prayed for dismissal of the appeal.

11. It is pertinent to note that, the learned counsel appearing for respondent Nos. 2 to 5 raised an objection regarding the maintainability of the appeal under Section 14-A of the SC/ST Act on the ground that the appellant-informant has challenged the order dated 29.03.2025 passed in Bail Application No. 213 of 2025 and Criminal Bail Application No. 210 of 2025. However, Section 14-A(2) of the said Act does not prescribe that separate appeals are required to challenge such orders. Therefore, the said objection is not acceptable to me.

12. The appellant/informant in Crime Nos. 65/2025 and 98/2025 specifically alleged that respondent nos. 2 to 5 have flouted/breached the conditions as impugned by the learned Special Court while passing

the order dated 29.03.2025. However, the appellant has not brought any material on record to show that respondent nos. 2 to 5/accused breached any bail conditions of the order dated 29.05.2025 passed in Criminal Bail Application No. 213/2025 and Criminal Bail Application No. 210/2025.

13. It is pertinent to note that, on 03.03.2025, Crime No. 65 of 2025 was registered with Purna Police Station, District Parbhani for the offences punishable under section 329(3), 324, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on the ground that, accused persons have abused the appellant on caste on account of dispute over the agricultural land and damaged the crops. It is also not in dispute that on 13.03.2025, the learned Special Court, Parbhani passed an order in Criminal Bail Application No. 162 of 2025 and enlarged the respondent nos. 2 to 5/accused on anticipatory bail on execution of P. R. bonds on the conditions attending concern police station on every Monday in between 11.00 am to 01.00 pm till filing of charge-sheet. So also, respondent nos. 2 to 5 were restrained from indulging in any criminal activity. However, on 24.03.2025, second crime i.e. Crime No. 98 of 2025 was registered against respondent nos. 2 to 5.

14. On the face of record it appears that, prior to passing the impugned order dated 29.03.2025, the learned trial court granted

opportunity to the present appellant/informant to oppose the bail application. The fact of breach of order dated 13.03.2025 was brought to the notice of the trial court and after considering the said fact, the learned trial court passed the order dated 29.03.2025 and enlarged the accused/ respondent No.2 on regular bail and respondent nos. 3 to 5/ accused on anticipatory bail. The appellant informant has not brought any material on record to show that the respondent nos. 2 to 5 have again breached the bail conditions imposed by the learned trial court while passing the order dated 29.03.2025 in Criminal Bail Application No. 213/2025 and Criminal Bail Application No. 210/2025. Therefore, I do not find that the appellant has made out any substantial ground to interfere with the findings recorded by the trial court. Hence, the present appeal deserves to be dismissed and accordingly, it is dismissed.

(Y. G. KHOBRAGADE, J.)