



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 831 OF 2025

GANESH BABASAHEB PARE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Appellant : Mr. Saurabh R. Nikat
h/f. Mr. Rahul R. Karpe

APP for Respondent Nos. 1 & 2 : Mr. N.D. Raje
Advocate for Respondent No. 3 : Mr. Z.H. Farooqui

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CORAM : ABHAY J. MANTRI, J.
DATE : 24TH APRIL, 2026

PER COURT :

1. The Appellant, being dissatisfied with the order dated 03.10.2025, passed by the learned Special Judge, Ahmednagar, in Criminal Miscellaneous Application No. 1526/2025 order below Exhibit 01, thereby rejected the Bail Application in connection with Crime No. 1039/2025, dated 09.09.2025, registered at Rahuri Police Station, Tq. Rahuri, Dist. Ahilyanagar, for the offences punishable under Sections 115(2), 351 (2), 304, 352, 3(5) of the Bharatiya Nyaya Sanhita, and under Sections 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act, 1989, has preferred this Appeal.

2. Heard learned Advocate for the Appellant, learned Advocate for Respondent No. 3 and learned APP for Respondent Nos. 1 and 2. Perused the charge-sheet and record.

3. Learned Advocate for the Appellant Mr. Nikat holding for Advocate Mr. Karpe, for the Appellant vehemently contended that there are no allegations against the Appellant in the statement of victim recorded under Section 183 of the Bharatiya Nyaya Suraksha Sanhita (for short '*the BNSS*'), but allegations against him was only that he made a call on mobile to him and he was standing beside them when the incident was going on. Therefore, the provisions of the Atrocities Act do not apply against him. He further submitted that other three accused persons are released on regular bail. Against him the allegations were made in the statement under Section 183 of the BNSS. Therefore, he urged for confirmation of the ad-interim relief granted by this Court.

4. On the other hand, learned APP and learned Advocate for Respondent No. 3, strenuously opposed the Application, contending that Appellant is the kingpin. He has played the main role in the commission of the crime, as he has made a phone call to the victim and asked him to come to the spot of incident;, therefore, they urged to dismiss the Appeal.

5. On perusal of the First Information Report, it appears that on the day of incident, the Appellant made a phone call to victim and called him on the spot. When the victim arrived there, at that time, accused Nitin Kadam, Nitin Jangam and Bhaurao Ugale, assaulted him

and abused with caste slurs and, therefore, an offence came to be registered against all of them. It also appears from the victim's statement that, under Section 183 of the BNSS, the victim has not alleged anything against the Appellant, but only stated that he made a phone call to him and that he was standing beside when the incident was going on. No specific allegations made against him about the commission of any crime. Moreover, the allegations in the FIR are vague and omnibus. The allegations made against all the accused are in chorus. No specific role of this Appellant is attributed in the alleged crime. Therefore, in my view, *prima facie*, provisions of the Scheduled Castes and Scheduled Tribes Act did not apply against the present Appellant.

6. Apart from that, the investigation is completed and the charge sheet has been filed in the Court. The filing of the charge-sheet itself indicates that nothing remains to be recovered from the Appellant; therefore, in my view, custodial interrogation of the Appellant is not required in the present case. Besides, the other accused persons have been released on bail.

7. As such, to dispel the apprehension of the learned APP and learned Advocate for Respondent No. 3, in my view, the conditions imposed by the ad-interim order would take care of. Therefore, it would be appropriate to confirm the ad-interim relief granted by this Court on

06.11.2025.

8. As such, the Appeal is allowed. Ad-interim protection/bail granted by the order dated 06.11.2025, is hereby confirmed. Appeal is disposed of.

9. Learned Advocate Mr. Z.H. Farooqui, appointed by the order dated 11.12.2025, is on the panel of the High Court Legal Services Sub-Committee, Aurangabad. As such, the Secretary, High Court Legal Services Sub-Committee, Aurangabad, is requested to quantify the fees of the learned Advocate for Respondent No. 3 in accordance with the Rules and pay the same.

(ABHAY J. MANTRI, J.)

SPC