



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

58 CRIMINAL APPEAL NO. 890 OF 2025

GANESH KARBHARI UGLE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

....

Mr. Saurabh P. Nimbalkar, Advocate for the Appellant

Mr. K. S. Patil, APP for Respondent No.1 – State

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CORAM : Y. G. KHOBRAGADE, J.

DATE : January 27, 2026

PER COURT :-

1. Mr. Nimbalkar, the learned counsel appeared for the appellant. However, none appeared for respondent No.2.

2. Needless to say that, Ms S. G. Sonawane, learned counsel had appeared in the matter on 08.01.2026 and sought time to file reply. Again, on 16.01.2026, one week's time was granted to file reply. However, till today, no such reply has been filed on behalf of respondent No.2. Therefore, following order was passed:-

“1. On 08.01.2026, Ms.gujar, learned Counsel h/f Ms. Sonawane, appearing for respondent No.2, seeks time to file reply but no reply is filed till date.

2. As per office note, the learned Counsel Ms. Sonawane is yet to file her Vakalatnama on behalf of respondent No.2/informant.

3. Therefore, being a last chance, one week’s time is granted.

4. Stand over to 22.01.2026, with a clear understanding that no further adjournment shall be granted and if Ms. Sonawane, appeared on behalf of respondent No.2 in that event the appeal would be decided on its own merit.

5. The earlier interim relief, if any, to continue till then.”

3. In spite of aforesaid fact, no reply is filed. Therefore, the matter is hereby proceeded without reply on behalf of respondent No.2.

4. Heard the learned counsel for the appellant and the learned APP for respondent No.1. None appeared for respondent No.2.

5. By the present appeal, the appellant prays for anticipatory bail in connection with Crime No.172 of 2025, registered with

Veergaon Police Station, Taluka Vaijapur, District Aurangabad on 04.06.2025, for the offence punishable under Sections 119(1), 118(2), 118(1), 115(2), 189(2), 191(2), 191(3), 190, 352, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant / accused also challenged the order dated 11.11.2025, passed by the learned Additional Sessions Judge, Vaijapur, District Aurangabad below Exh.1 in Criminal Bail Application No.187 of 2025.

6. On face of record, it appears that on 04.06.2025, the informant / respondent No.2 lodged a F.I.R. with Veergaon Police Station, alleging that on 30.05.2025, at about 8.30 p.m., he was standing near a grocery shop of village temple and at that time, accused persons Karbhari Ugle, Dnyaneshwar Ugle, Sunil Ugle, Govind Ugle, Mandabai Ugle, Sanket Ugle, wives of Ganesh, Sunil and Dnyaneshwar, visited him and abused on his caste. The informant appears to be a member of scheduled caste and he was manhandled and assaulted at the hands of all the accused persons with iron rod. In the meantime, the present appellant Ganesh Ugle also assaulted him with fist and blows. The present appellant / accused appears to

be instigated while assaulting him. The appellant / accused also assaulted with iron rod on thigh of the informant and on private part. On the basis of such report, Crime No.172 of 2025, registered against the accused persons.

7. On 11.11.2025, the learned Additional Sessions Judge / Special Court, Vaijapur under the Atrocities Act, passed the impugned order, holding that the F.I.R. is registered under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the weapons used in the crime i.e. iron rod, yet to be seized.

8. After the investigation, the charge-sheet is filed and the alleged iron rod is already seized at the instance of co-accused Sunil Ugale. Therefore, nothing remained to be seized at this stage at the instance of the present appellant.

9. It is submitted that as per the contents of F.I.R., it is attributed against the present appellant / accused about assault with fist and blows. So also, assaulting with rod on thigh. As per the contents of the F.I.R., the appellants in Appeal No.557 of 2025 and other connected appeals, the role attributed against those accused, are in respect of assault and abusing the informant on his caste.

However, there is no allegations against the present appellant / accused in respect of abusing the respondent No.2 on his caste. Therefore, considering the role played by the present appellant / accused and the other accused persons who are enlarged on bail, the present appellant is also entitled for anticipatory bail. On 30.09.2025, this Court passed the order in Criminal Appeal No.557 of 2025 with connected appeals and released all the accused persons on anticipatory bail as well as regular bail on certain terms and conditions. Accordingly, I proceed to pass the following order:-

ORDER

- (i) The appeal is allowed.
- (ii) In the event of arrest, the present appellant / accused Ganesh Karbhari Ugale, be released on bail in connection with Crime No.172 of 2025, registered with Veergaon Police Station, Taluka Vaijapur, District Aurangabad on 04.06.2025, for the offence punishable under Sections 119(1), 118(2), 118(1), 115(2), 189(2), 191(2), 191(3), 190, 352, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing P. R. bond of Rs.25,000/- with two solvent sureties in the like amount.

- (iii) The appellant shall appear before the Investigating Officer on 02.02.2026 and shall cooperate with the Investigating officer.
- (iv) The appellant shall not try to contact or pressurize the witnesses or the informant, in any manner whatsoever.
- (v) The appellant shall furnish details of residential address and other contact details such as the mobile number etc., to the concerned police station. If there is any change in the contact details, the same shall be immediately informed to the concerned police station.

[Y. G. KHOBRADE, J.]

SMS