



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

932 CRIMINAL APPEAL NO. 963 OF 2025

1. ATUL BABAN SHINGARE
2. VIJAY MAHADU GAVALI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr. Amol S. Gandhi, Advocate for the Appellants
Mr. S. S.Dande, APP for Respondent Nos. 1 and 2 – State
Mr. Shashikant E. Shekade, Advocate for Respondent No.3

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CORAM : Y. G. KHOBRAGADE, J.

DATE : March 17, 2026

PER COURT :-

1. Heard Mr. Gandhi, the learned counsel for the appellants, Mr. Dande, the learned APP for respondent Nos. 1 and 2 and Mr. Shekade, the learned counsel for respondent No.3 / informant.

2. By the present appeal, the appellants / accused take exception to the order dated 10.12.2025, passed below Exh.1 in Criminal (Bail) M.A. No.784 of 2025, by the learned Additional Sessions Judge / Special Judge, Shrigonda, District Ahilyanagar,

thereby declined to enlarge the appellants / accused on pre-arrest bail in connection with Crime No.372 of 2025, registered with Belwandi Police Station, Taluka Shrigonda, District Ahilyanagar, for the offence punishable under Sections 109, 112(2), 351(2), 351(3), 352, 3(3) of B.N.S. and under Sections 3(1)(r), 3(1)(s), 3(1)(va), 3(2), 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. On face of record, it appears that on 04.11.2025, respondent No.3 / informant lodged the F.I.R. alleging that, he is a member of “Vaibhav Machhimar Sahakari Sanstha Maryadit, Nimbavi”. On 03.01.2025, there was the meeting of members of the said society on open space near Pandavgiri Temple. The said meeting was attended by his known persons Shri Umesh Bapu Gholwad, Dattatraya Shankar Pawar and other members also. However, while the meeting was going on at about 1.30 p.m., the present appellant No.1 / accused Atul Baban Shingare and appellant No.2 / accused No.2 Vijay Mahadu Gavali, asked them to face penal action if they didn't sell chilapi fish at the rate Rs. 120/- per kg. In reply, respondent No.2 said that, he is not the person to fix the rate of fish and the members of the society may sell the fish at the required rate if they want to do so. However, both the appellants abused him in filthy

language and assaulted him with fist and blows. Due to which he fall down. So also, the appellant No.1 Atul Baban Shingare, physically restrained him and issued a threat to his life on the ground that he was proceeding on a hunger strike against him. He further pressed his throat with the intention of committing his murder. Thereafter, witness Shri Umesh Babu Gholwad and Dattatraya Shankar Pawar and other persons intervened and separated the informant and the accused persons. Thereafter, when the respondent No.3 / informant was proceeding, at that time, both the accused abused him on his caste. On the basis of said report Crime No.372 of 2025 is registered against the appellants.

4. The learned counsel for the appellants canvassed that, there was no intention and motive at the hands of the appellants to abuse the informant / respondent No.3. However, there was dispute about the rate of the fish, so also the appellants had issued notices to the present respondent No.3 / informant as well as other witnesses, calling upon to deposit arrears of membership fees. Therefore, out of the grudge, the respondent No.3 lodged the false report against the present appellants. It is further canvassed that, no injuries have been sustained to the informant / respondent No.3 and nothing is

recovered from the appellants, so also, no further interrogation of the appellants are required. Therefore, the appellants have made out prima facie case to enlarge them on anticipatory bail. So also, the alleged incident never been took place in the public view. Therefore, no bar is created under Section 18 to enlarge the accused persons on anticipatory bail under Section 438 of Cr.PC. (Section 482 of B.N.S.S., 2023).

5. Per contra, the learned APP submitted that, the meeting of the members of the society was arranged in open ground near Pandavgiri temple and the respondent No.3 / informant as well as other members were attended the said meeting. During the course of meeting, the present appellants / accused Atul Baban Shingare and Vijay Mahadu Gavali, both were asked to sell the fish at the rate of Rs.120/- per kg and on failure, the penal action will be initiated and when the respondent No.3 / informant asked the appellants that they cannot fix the rate of fish, hence, out of the grudge, the present appellants / accused abused the informant with filthy language and assaulted with fist and blows. So also, the present appellant No.1 sat on the person of the informant and issued life threat by pressing his throat. So also, the accused persons abused the informant on his

caste in the public premises within the public view. Therefore, findings under Sections 3(1)(r), 3(1)(s), 3(1)(va), 3(2), 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, committed in the public view, hence the bar is created under Section 18 to enlarge the appellants / accused on anticipatory bail. During the course of the argument, the learned APP produced the statements of the witnesses on record, which show that their statements are in accordance with the narration of the F.I.R. lodged by Respondent No. 3, the informant.

6. On 10.12.2025, the learned Special Court passed the order relying on various case laws cited therein and declined to enlarge the appellants / accused on bail on the ground that the appellants / accused abused the victim / respondent No.3 on his caste within the public view.

7. The learned counsel appearing for respondent No.3 / informant supported the submissions canvassed on behalf of the respondent Nos. 1 and 2.

8. In the case in hand, the fact of occurrence of incident narrated in the F.I.R., are not disputed by the appellants. As per the

contents of the F.I.R., the meeting of the members of “Vaibhav Machhimar Sahakari Sanstha Maryadit, Nimbavi”, taluka Shrigonda, was arranged. As per the contents of the F.I.R., the said meeting was attended by the present appellants, respondent No.3 as well as other members of the said society. The informant and his associates Umesh Bapu Gholwad, Dattatraya Shankar Pawar and other members of the society, were present in the said meeting. The F.I.R. further speaks that, there were some issues about selling of the fish not less than Rs.120/- per kg, otherwise the said person would be penalised. However, the present respondent No.3 / informant told that no one can decide the rate of the fish and everyone may sell the fish at the rate as may they think fit. Due to which, the present applicants annoyed and abused the informant in filthy language and assaulted him with fist, kicks and blows, due to which he fall down. The appellant No.1 Atul Baban Shingare sat down on the person of informant and pressed his throat by issuing life threat on the ground that, the informant sat on hunger strike against him. Some members from the meeting intervened and relieved the informant and the accused persons. However, the appellants abused the informant on his caste by saying “जा भिलट्यांनो, तुमच्या गांडीत किती दम आहे

आम्हाला माहीत आहे, आम्ही तुम्हाला बघुन घेऊ.”

9. In the case in hand, the F.I.R. discloses about commission of offence under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, at the public place and within the public view. Therefore, as per the law laid down in the case of *Kiran Vs. Rajkumar Jivraj Jain and Another, 2025 SCC OnLine SC 1886*, the bar is created under Section 438 of Cr.P.C. to enlarge the appellants accused on anticipatory bail as per the provisions of Section 18. On 10.12.2025, the learned Special Judge passed the impugned order considering the material on record as well as the case laws cited therein, and declined to enlarge the appellants / accused on anticipatory bail. It does not appear that the findings are perverse, illegal, bad in law, therefore, I do not find that the appellants have made out prima facie case to enlarge them on anticipatory bail in connection with Crime No.372 of 2025, registered with Belwandi Police Station, Taluka Shrigonda, District Ahilyanagar.

10. Accordingly, the present Criminal Appeal is dismissed.

[Y. G. KHOBRAGADE, J.]