



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

937 CRIMINAL APPEAL NO. 44 OF 2026

**BABA NATHA TAKALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Appellants : Mr. Andhale Sandip Ramnath
APP for Respondents/State : Mr. D.B. Bhange
Advocate for R/3 : Mr. Girish Wani (Appointed)
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**CORAM : Y.G. KHOBRAGADE, J.
DATE : 10.03.2026**

PC.:-

1. Heard advocate Mr. Andhale the learned counsel appearing for the appellants, the learned APP for the respondent nos.1 and 2 and Mr. Wani appointed for respondent no.3/informant.
2. By the present appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellants/accused take exception to the order dated 06.01.2026 passed in Cri. B.A. No.2030/2025 by the learned Additional Sessions Judge, Ahmednagar thereby declined to enlarge the appellants/accused on anticipatory bail in connection with Crime No.313/2024 registered with Tahsil Police Station, Ahilyanagar for the offence punishable under Section

143, 147, 148, 149, 307, 324, 427, 504, 506 of I.P.C. and under Section 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 4/25 of the Arms Act as well as under Section 37(1), 37(3) and 135 of the Maharashtra Police Act, 1951.

3. In para 6 of the impugned order dated 06.01.2026 the learned Special Judge observed that the respondent no.3/informant- Tushar Bhosale and other witnesses executed affidavit and stated about receiving injuries in accident due to skidding of motorcycle. The said affidavit appears to be executed before the notary advocate Mr. Manohar Jayabhaye on 12.08.2024. However, as per the contents of the FIR, it appears that on 27.03.2024 at about 10.00 pm when the informant with his family was asleep in the field in the early hours of 28.03.2024 i.e. about 4.00 am the present appellant nos.1 to 4 along with one accused Mr. Kolhe (full name not mentioned) with mob of 15 to 20 persons reached there and abused him on his caste and said why he is staying at said place despite earlier warning for leaving the place. Thereafter, the appellant no.3- Balu Nivrutti Takle assaulted him with sword on his left leg in between knee and ankle. The accused no.1- Baba Natha Takle issued life threats and said that he will not leave him and then the absconding accused-Kolhe assaulted with sword on his head and left hand

which he resisted and suffered injuries. The accused no.2- Bajrang Ashok Urgude assaulted him with stick, however, as his wife raised alarm and gave shouts due to which all the accused persons left the place of the incident. However, his motorcycle was damaged.

4. There is no material on record to show that the sword / weapon used in the crime were seized or not. Since the appellants/accused have produced a copy of affidavit notary dated 12.08.2024 stating that the victim/informant made a statement that he sustained injuries in an accident due to slip of the motorcycle. Therefore, this Court is of *prima facie* view that the other appellants/accused might have forced the respondent no.3/informant to execute the said affidavit and it does not appear that the same has been obtained with free will. Therefore, to testify the contents of the affidavit, it is necessary to secure the presence of respondent no.3/informant before this Court.

5. Issue bailable warrant as against the respondent no.3/Tushar Bhosale in the sum of Rs.10,000/-. The Investigating Officer shall execute the said bailable warrant and shall also extend protection to the respondent no.3.

6. Stand over to 24.03.2026.

[Y.G. KHOBRADE, J.]