



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

908 CRIMINAL APPEAL NO. 44 OF 2026

1. BABA NATHA TAKALE
2. BAJRANG ASHOK URMUDE
3. BALU NIVRUTTI TAKALE
4. ASHOK PATILBA URMUDE

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 the Resp. No.3 : Mr. Girish Wani (Appointed)

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CORAM : Y.G. KHOBRAGADE, J.
DATE : 09.04.2026

PC.:-

1. As per the office note theailable warrant issued against the respondent no.3 returned unexecuted as he was not found at the given address.

2. Having regard to the submissions canvassed on behalf of both the sides, I have gone through the record. 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 Criminal Application No.2030/2025 by the learned Special Judge, Ahilyanagar and thereby declined to release the appellants/accused on

anticipatory bail in connection with Crime No.313/2024 registered with Taluka Police Station, Ahilyanagar on 29.03.2024 for the offence punishable under Section 143, 147, 148, 149, 307, 323, 504, 506 of the I.P.C., under Section 4/25 of the Arms Act and under Section 3(1)(r), 3(1)(s), 3(2)(v) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 37(1), 37(3) and 135 of the Maharashtra Police Act.

3. On perusal of FIR it appears that, on 28.03.2024 at about 4.00 am when the respondent no.3/informant was at his house at that time the appellant nos.1 to 4 and their associates reached there and hurled castiest slur. So also, the present appellant no.3/Balu Takale assaulted on his left leg with sword due to which he suffered fracture and the present appellant no.1/Baba Takale instigated not to leave him. So also, one of their associate Mr. Kolhe tried to assault him on his head but he dodged the attack by his left hand and sustained injuries on his palm. Thereafter, the present appellant no.2/Bajrang assaulted him with stick. Thereafter, all the accused persons damaged his motorcycle no.MH-12-DF-6284 and left the spot of the incident. On the basis of said report Crime No.313/2024 was registered against the present appellants/accused.

4. The learned counsel appearing for the appellants invited attention of this Court to the kararnama / affidavit executed by the respondent no.3/informant before the public notary, wherein, he stated that on 27.03.2024 his motorcycle got skidded due to which he sustained injuries to his head and leg and he was hospitalized in Pandit Hospital, Ahmednagar on 29.03.2024 and he thought that the present appellant accused nos.1 to 4 and their associates tried to kill him.

5. The learned counsel appearing for the appellants further canvassed that the present appellants are falsely implicated in the crime and no such assault with any deadly weapon like sword and stick has happened. However, the respondent no.3/informant sustained the injuries in an accident when his motorcycle got skidded. So also, the appellants have no criminal antecedents and all the present appellants/accused will co-operate with the investigative agency.

6. Per contra, Mr. Bhange the learned APP canvassed that though the appellants/accused were having knowledge that the informant/respondent no.3 belongs to scheduled tribe still they hurled castiest slur and assaulted with sword and stick with an intention to kill him. The crime is of serious nature. The appellants/accused abused on caste to the respondent no.3 in public view. As per the injury certificate, the respondent

no.3/informant sustained injury with hard and blunt object and said injury is of grievous nature. Therefore, custodial interrogation of the present appellants/accused is necessary to recover the weapon and to ascertain the motive to assault the respondent no.3/informant. Hence, prayed for dismissal of the appeal.

7. Advocate Mr. Girish Wani the learned counsel appointed through the legal aid for the respondent no.3 supported the contention of the learned APP.

8. Needless to say that, as per the contents of the FIR on 28.03.2024 at about 4.00 am the present appellants/accused and their associates visited the premises of informant and asked how a 'Pardhi' community person can reside there and allegedly assaulted him. The present appellant/accused no.3-Balu Takale assaulted with sword on his left leg on knee and another accused no.1/Baba Takale instigated not to leave him. Therefore, another accused Mr. Kolhe tried to assault the informant with sword but he dodged the attack and sustained injury on his left palm. Another accused no.2/Bajrang assaulted the informant/respondent no.3 with stick and damaged his motorcycle. However, the FIR does not reflect that the said incident has occurred within the public view.

9. In the case of **Sushila Aggarwal and Ors. V/s. State (NCT of Delhi) and Ors.**; 2018 7 SCC 731, the Hon'ble Supreme Court held as under:

10. In Sibbia (supra), this Court has briefly dealt with the question of duration of anticipatory bail. It seems to us that the discussion primarily pertained to grant of anticipatory bail at the pre-FIR stage (see paragraph 43 quoted below). It appears that there are indications in Sibbia (supra) that anticipatory bail may be for a limited period. To quote paragraphs 19, 40, 42 and 43:-

“19. ... While granting relief under Section 438(1), appropriate conditions can be imposed under Section 438(2) so as to ensure an uninterrupted investigation. One of such conditions can even be that in the event of the police making out a case of a likely discovery under Section 27 of the Evidence Act, the person released on bail shall be liable to be taken in police custody for facilitating the discovery. Besides, if and when the occasion arises, it may be possible for the prosecution to claim the benefit of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by a person released on bail by invoking the principle stated by this Court in State of U.P. v. Deoman Upadhyaya to the effect that when a person not in custody approaches a police officer investigating an offence and offers to give information leading to the discovery of a fact, having a bearing on the charge which may be made against him, he may appropriately be deemed so have surrendered himself to the police. The broad foundation of this rule is stated to be that Section 46 of the Code of Criminal Procedure does not contemplate any formality before a person can be said to be taken in custody: submission to the custody by word or action by a person is sufficient. For similar reasons, we are unable to agree that anticipatory bail should be refused if a legitimate case for the remand of the offender to the police custody under Section 167(2) of the Code is made out by the investigating agency.

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40. We have said that there is one proposition formulated by the High Court with which we are inclined to agree. That is proposition (2). We agree that a ‘blanket order’ of anticipatory bail should not generally be passed. This flows from the very language of the section which, as discussed above, requires the applicant to show that he has “reason to believe” that he may be arrested. A belief can be said to be founded on reasonable grounds only if there is something tangible to go by on the basis of which it can be said that the applicant's apprehension that he may be arrested is

genuine. That is why, normally, a direction should not issue under Section 438(1) to the effect that the applicant shall be released on bail “whenever arrested for whichever offence whatsoever”. That is what is meant by a ‘blanket order’ of anticipatory bail, an order which serves as a blanket to cover or protect any and every kind of allegedly unlawful activity, in fact any eventuality, likely or unlikely regarding which, no concrete information can possibly be had. The rationale of a direction under Section 438(1) is the belief of the applicant founded on reasonable grounds that he may be arrested for a non-bailable offence. It is unrealistic to expect the applicant to draw up his application with the meticulousness of a pleading in a civil case and such is not requirement of the section. But specific events and facts must be disclosed by the applicant in order to enable the court to judge of the reasonableness of his belief, the existence of which is the sine qua non of the exercise of power conferred by the section.

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42. *There was some discussion before us on certain minor modalities regarding the passing of bail orders under Section 438(1). Can an order of bail be passed under the section without notice to the Public Prosecutor? It can be. But notice should issue to the Public Prosecutor or the Government Advocate forthwith and the question of bail should be re-examined in the light of the respective contentions of the parties. The ad interim order too must conform to the requirements of the section and suitable conditions should be imposed on the applicant even at that stage. Should the operation of an order passed under Section 438(1) be limited in point of time? Not necessarily. The court may, if there are reasons for doing so, limit the operation of the order to a short period until after the filing of an FIR in respect of the matter covered by the order. The applicant may in such cases be directed to obtain an order of bail under Section 437 or 439 of the Code within a reasonably short period after the filing of the FIR as aforesaid. But this need not be followed as an invariable rule. The normal rule should be not to limit the operation of the order in relation to a period of time.*

43. *During the last couple of years this Court, while dealing with appeals against orders passed by various High Courts, has granted anticipatory bail to many a person by imposing conditions set out in Section 438(2) (i), (ii) and (iii). The court has, in addition, directed in most of those cases that (a) the applicant should surrender himself to the police for a brief period if a discovery is to be made under Section 27 of the Evidence Act or that he should be deemed to have surrendered himself if such a discovery is to be made. In certain exceptional cases, the court*

has, in view of the material placed before it, directed that the order of anticipatory bail will remain in operation only for a week or so until after the filing of the FIR in respect of matters covered by the order. These orders, on the whole, have worked satisfactorily, causing the least inconvenience to the individuals concerned and least interference with the investigational rights of the police. The court has attempted through those orders to strike a balance between the individual's right to personal freedom and the investigational rights of the police. The appellants who were refused anticipatory bail by various courts have long since been released by this Court under Section 438(1) of the Code.”

10. Therefore, to my mind, considering the law laid down in the cases of **Karuppudayar V/s. State represented by the Deputy Superintendent of Police and Ors.**; AIR 2025 SC 705 and **Kiran V/s. Rajkumar J. Jain**; AIR 2025 SC 4083, no bar is created to enlarge the appellants/accused on anticipatory bail in connection with Crime No.313/2025 by imposing stringent conditions. Accordingly, I proceed to pass the following order:

ORDER:

- i) The impugned order date 16.01.2026 passed by the learned Special Judge, Ahmednagar in Criminal B.A. No.2030/2025 is hereby quashed and set aside.
- ii) In the event of arrest, the appellant no.1- Baba Natha Takale, appellant No.2-Bajrang Ashok Urmude, appellant no.3- Balu Nivrutti Takale and appellant no.4- Ashok Patilba Umrude be released on anticipatory bail in connection with Crime No. 313 of 2024 registered with Taluka Police Station, District Ahilyanagar for the offence punishable under Sections 143, 147, 148, 149, 307, 323, 504, 506 of the I.P.C., under Section 4/25 of the Arms Act and under Section 3(1)(r), 3(1)(s), 3(2)(v) and 3(2)(va) of the Scheduled Castes

and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 37(1), 37(3) and 135 of the Maharashtra Police Act on furnishing P. R. bond of Rs.25,000/- each and one surety in the like amount.

iii) The appellants shall attend the concerned Police Station on 13.04.2026 at about 11.00 am and thereafter shall attend the concerned Police Station on every Monday between 10.00 am to 12.00 pm till completion of the investigation.

iv) For recovery of weapon like sword the Investigating Officer shall interrogate the accused and the custody of the present appellants would be presumed under Section 27 of the Evidence Act.

v) The appellants 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.

vi) The appellants shall not leave the jurisdiction of the competent Court without prior permission, until further orders.

vii) The appellants shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

viii) Accordingly, the appeal is disposed off.

ix) The fees of the appointed counsel be quantified as per rules and be paid through the High Court Legal Services Authority.

[Y.G. KHOBRADE, J.]