

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

APPEAL NO.957 OF 2025

Dattatray Nivrutti WaghAppellant
Vs.
State Of Maharashtra & Ors.Respondent

Mr. Chaitanya Malgaonkar (through VC) with Mr. Amol A. Kanaki,
for the Appellant.

Mr. Abhishek Patil, appointed by Court for Respondent No.2

Mr. Nitin B. Patil, APP, for the Respondent-State.

Mr. Malhari Hange, Waduj Police Station.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 11th FEBRUARY 2026

PC.:-

1. The Appellant, namely Accused No.1 Dattatray Nivrutti Wagh is the Appellant in the Appeal and is apprehending arrest in C.R. No.263 of 2025, registered at Vaduj Police Station, Satara, for the offenses punishable under Sections 3(5), 316(2), 318(4), 336(2), 336(3), 340(2), 342(2), 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, and under Sections 3(1)(f) and 3(1)(g), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is alleged that the Complainant, who is the owner and in

possession of the subject property, was sought to be dispossessed by the Appellant, despite his knowledge that the Complainant belongs to the Chambhar community. The allegations further state that the Complainant has been in possession of the property since 1964 and has acquired the said property pursuant to a certificate issued under Section 32-M of the Bombay Tenancy and Agricultural Lands Act, 1948.

3. The learned counsel appearing for the Appellant submits that the Appellant in Appeal No.953 of 2025 has been declared as the owner of the suit property, pursuant to which his name has been duly mutated in the revenue records.

4. The name of the Complainant continues to appear in the 7/12 extract in the column of tenant, and the same has not been removed, as narrated by the Complainant. It is stated that, after he came to know about the mutation entries, the Complainant could not get his name mutated due to certain personal difficulties. Taking advantage of the mutation of their names in the 7/12 extract, the Appellant allegedly attempted to assert rights over the property. Consequently, the Complainant lodged the complaint, pursuant to which the crime

under the Bharatiya Nyaya Sanhita and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act came to be **registered**.

5. The specific role attributed to the Appellant in the FIR is limited that is Vaibhav Gosavi executed a Power of Attorney in favour of the Appellant (referred to as Vinay Wagh in the FIR) on 11.10.2023 in respect of Gat No. 449/8; that the land was allegedly and "fraudulently" reclassified from Cultivator Class-II to Cultivator Class-I purportedly "for the benefit" of the Appellant; and that, acting as the lawful Power of Attorney holder, the Appellant executed a registered sale deed dated 27.03.2024 in favour of Akash Godse for the land admeasuring 27R from Gat No. 449/8. Beyond these transactions, the FIR contains only a vague and general allegation that the change in land record entries and subsequent sale were fraudulent, without specifying any overt, unlawful or dishonest act personally committed by the Appellant.

6. Considering the entire allegations made against the Appellant in Appeal, it *prima facie* appears that the dispute is of a civil nature. There are no specific allegations against the Appellant indicating

commission of any offense constituting an atrocity against the Complainant. No *prima facie* case is made out against the Appellant so as to attract the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and consequently, the bar under Section 18 of the said Act is not attracted.

7. In view thereof, the Appellant is entitled to protection by way of an anticipatory bail. Since no *prima facie* case is made out against the Appellant and the allegations predominantly disclose a civil dispute, a case is made out to protect the Appellant by granting anticipatory bail. Hence, the following order:

ORDER

- i) Appeal is **allowed**.
- ii) In the event of arrest of the Appellant, namely, **Dattatray Nivrutti Wagh** shall furnish personal bond of **Rs.25,000/-** with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the Investigating Officer;
- iii) The Appellant shall remain present before the concerned police station on every Thursday between

11.00 a.m. to 01.00 p.m.;

iv) The Appellant shall cooperate with the investigation and make himself available for interrogation whenever required;

v) The Appellant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any Police Officer;

vi) The Appellant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

viii) The Appellant shall maintain law and order;

vii) The Appellant shall, at the time of execution of the bond, furnish their residential address and contact number to the Investigating Officer, and the Court concerned, and shall not change the residence till the final disposal of the case;

viii) The Appellants shall surrender his passport, if any, before the Investigating Officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the Investigating Officer;

ix) The Appellant shall regularly remain present during the trial, and cooperate with the Hon'ble Court to complete

the trial for the above offenses.

x) If breach of any of the above conditions is committed, the order of anticipatory bail would be canceled. It would be open to the Investigating Officer to file an application for remand, and the Magistrate concerned would decide it on merits, without being influenced by the grant of anticipatory bail order.

(MRS. VRUSHALI V. JOSHI, J.)