

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1070 OF 2025

Sanjay Ramdas Chaudhary And Ors.

...Appellants

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Akshay Bankapur, for the Appellants.

Mr. Ashok S. Gawai, APP, for the Respondent No.1-State.

Mr. Pankaj Das, for the Respondent No.2.

CORAM: R. M. JOSHI, J.

DATED: 17th FEBRUARY, 2026

PC:-

1. This appeal takes exception to the impugned order dated 15th October, 2025, passed in Criminal Bail Application No. 1518 of 2025, whereby the Anticipatory Bail Application filed by the appellant came to be rejected in connection with Crim No. 386 of 24, registered with Panchvati Police Station, Nashik, for the offences punishable under Sections 324, 323, 427, 504, 506 r/w 34 of the Indian Penal Code (for short 'IPC) and Section 3(1)(r) (s), 3(1)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (for short "Atrocities Act").

2. Learned Counsel for the appellants submits that even if statement of the first informant has made in the First Information Report is accepted to be true, no offence under Atrocities Act can

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be said to have been made out against the appellants. It is his submission that since the incident has not been witnessed by any independent person, it is not in public view as contemplated by the Judgment of the Supreme Court in the case of **Hitesh Verma v/s State of Uttarakhand**¹. Insofar as allegations against appellant No.1 is concerned, according to him, even the informant does not specify the weapon by which the injury was caused to her. He drew attention of this Court to the injury certificate which indicates that injury caused to the informant to be simple in nature. Thus, it is his argument that the offence under the Atrocities Act is not made out and offence under IPC is bailable. He also drew attention of the Court to the statement recorded during the course of investigation indicating the quarrels and even fights occurring frequently between two families on the petty ground on throwing of garbage.

3. Learned APP and learned Counsel for the respondent No.2 oppose the application by contending that apart from the fact that there are specific allegations against all appellants of abusing and insulting the informant over a caste, against the appellant No.1, there is specific allegation of causing assault with weapon. It is their submission that since the weapon is yet to be recovered, this is not a fit case for allowing the appeal.

4. Prima facie, perusal of the record indicates that the incident occurred on 23rd June, 2024 is not witnessed by any independent person. In such circumstances, as far as the allegations with

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regard to the abuses hurled by the appellants against the informant, the judgment in the case of **Hitesh Varma (supra)** would have application. Prima facie, this Court is of the view that the offence cannot be said to have been committed in a public view.

5. As far as the allegations against the appellant No.1 is concerned, in the First Information Report, there is no mention as to the weapon with which the injuries are caused. The charge-sheet indicates that the injury certificate shows those injuries to be simple injuries. In such circumstances, this Court finds no reason or justification to grant anticipatory bail to the present appellants.

6. In view of the above, following order is passed;

ORDER

- a) The Appeal stands allowed.
- b) The impugned order dated 15th October, 2025, passed in Criminal Bail Application No.1518 of 2025 is set aside.
- c) Criminal Bail Application No.1518 of 2025 stands allowed.
- d) In the event of arrest of the appellants, they be enlarged on bail on furnishing P.R. bond of Rs.15,000/- each, with one surety in the like amount.

- e) The appellant No.1 is directed to co-operate in the investigation and for the purpose of recovery, if any, he shall be treated in the custody of the police.

7. The Appeal stands disposed of accordingly.

(R. M. JOSHI, J.)