



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

CRIMINAL APPEAL NO. 68 OF 2025

1. Dilip Nathu Dhangar
2. Subhash Govinda Chaudhary .. Appellants

Versus

The State of Maharashtra and another .. Respondents

Shri N. L. Choudhari, Advocate for the Appellants.
Shri S. M. Ganachari, A.P.P. for the Respondent No. 1.
Shri Chetan B. Choudhari, Advocate for the Respondent No. 2.

CORAM : SHAILESH P. BRAHME, J.
DATE : 24TH MARCH, 2025.

FINAL ORDER :

. Heard both sides. Learned counsel for the respondent No. 2 tenders on record affidavit along with photo copy of application dated 11.12.2024 received by the office of the Sub Divisional Police Officer, Shirpur.

2. This appeal is directed against order of rejection of anticipatory bail in pursuance of offence bearing Cr. No. 10/2025 registered with Shirpur City Police Station, Dist. Dhule punishable U/Sec. 74 and 126(2) of the Bhartiya Nyaya Sanhita, 2023 and U/Sec. 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The respondent No. 2 reported on 04.01.2025 that incident occurred on 06.12.2024 and 07.12.2024. Informant was belonging to the scheduled caste. She is resident of village Tekwade. While watching a public programme informant and her mother were abused. On the next day also publicly she was accosted by the accused, manhandled, abused on caste and outraged.

4. Learned counsel for the appellant submits that remaining accused are released on bail. The allegations are not serious in nature and there is false implication. The appellants are office bearers of the trust. The complaint for the informant submitted on 11.12.2024 falsifies first information report. There is gross delay in filing FIR. NCR registered on 07.03.2024 does not spell out the offence alleged against the appellants.

5. Learned Assistant Public Prosecutor supports the impugned order. He would submit that the statements of Rahul, Bharat, Manisha, Mangalabai and Kiran, who are the eye witnesses corroborate the informant. He would submit that statement U/Sec. 183 of the Bhartiya Nagarik Suraksha Sanhita has also been recorded. Thus, the involvement of the appellants cannot be ruled out.

6. Learned counsel for the respondent No. 2 tenders on record N.C.R. dated 18.03.2025 and complaint dated 19.03.2025 to show

that accused are cantankerous and they are influential. It is submitted that appellant No. 1/Dipil has criminal antecedents of having involved in Cr. No. 304/2022. It is submitted that there is no delay in lodging report.

7. Interestingly, first information report shows that on 06.12.2024 as well as 07.12.2024 accused persons in chorus abused informant on caste, which is impossible. At this juncture, the presence of the appellants and others cannot be disputed, but it is very unlikely that all of them at the same time and in same manner would abuse the informant and her companions.

8. I have gone through the statements pressed into service by the learned A. P. P. Statement of Bharat, who narrated incident of 07.12.2024. The version of the informant in Ahirani dialect is inconsistent with FIR. Same is the case with next witnesses Manisha and Mangalabai. The statement of Rahul and Kiran are also inconsistent with the first information report. *Prima facie* doubt is created regarding version of the informant.

9. Co assued are released on bail. Considering the nature of allegations, I do not find any material to deny pre-arrest protection to the appellants. Considering the complaints lodged by the informant and her brother, I am inclined to impose additional condition. I, therefore, pass following order.

O R D E R

A. The criminal appeal is allowed partly.

B. The impugned order dated 17.01.2025 passed by the learned Additional Sessions Judge, Dhule in Criminal Bail Application No. 20 of 2025 is quashed and set aside.

C. In the event of arrest of the appellants namely (1) Dilip Nathu Dhangar and (2) Subhash Govinda Chaudhary in furtherance of offence bearing Cr. No. 10/2025 registered with Shirpur City Police Station, Dist. Dhule for the punishable U/Sec. 74 and 126(2) of the Bhartiya Nyaya Sanhita, 2023 and U/Sec. 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act shall be released on anticipatory bail on their furnishing personal bond of Rs. 30,000/- (Rs. Thirty thousands only) with one solvent surety of like amount each on condition that :

(I) They shall not enter limits of village Tekwade, Tq. Shirpur, Dist. Dhule till filing of charge sheet.

(II) They shall report the investigating officer on every Monay between 12.00 noon to 5.00 p.m. till filing of charge sheet.

(III) They shall cooperate the investigating officer and

shall not in any manner contact the informant or the witnesses.

D. The criminal appeal stands disposed of.

[SHAILESH P. BRAHME J.]

bsb/March 25