



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

25 CRIMINAL APPEAL NO. 233 OF 2025

BADAL DILIP AHIRE @ DHANGAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. N.N. Desale, Advocate for the appellant.
Mr. S.B. Jadhav, APP for the respondent-State.
Mr. J.S. Jain, Advocate (appointed) for respondent No.3.

CORAM : KISHORE C. SANT, J.
DATE : 18.08.2025

PC :-

01. Heard learned Advocates for the parties.

02. This appeal arises out of an order passed by the learned Special Judge, Dhule dated 16.11.2024, rejecting Bail Application No. 879 of 2024, preferred by the present petitioner. Respondent No.2 lodged FIR with Nizampur Police Station, Dist. Dhule bearing No. 0307 of 2023 for the offences punishable under sections 143, 147, 148, 149, 307, 341, 427 of the Indian Penal Code, under sections 135, 37 of the Maharashtra Police Act and under sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

03. In the FIR, the informant stated that he was working as a

Security Guard and belongs to a Scheduled Tribe. On 23.10.2023, he was on security duty. He was also watching Garbha dance, where one Dinesh was also present. As Dinesh was creating obstacles in the Garbha, the informant asked him to stand properly. It is on that Dinesh started abusing the informant. He came with 5-6 other persons and abused. Thereafter, when the informant coming to his home in the night, it is alleged that present appellant and other persons, who were 40-50 in numbers, out of which 15 were named and other were not named, abused the informant in the name of caste. They also uttered words in filthy language about the informant's community.

04. The learned Sessions Judge rejected the application of the present appellant stating that there are abuses in the name of caste vide order dated 16.11.2024. The appellant is, therefore, before this Court.

05. The learned Advocate for the appellant vehemently submitted that no specific allegation is made against present appellant. The allegations are omnibus and against 30-40 persons. No specific roll is attributed to any one. He, thus, submits that no ingredients of Atrocities Act are made out.

06. Learned APP vehemently opposes the appeal. He submits that looking to the allegations in the FIR, those appear to be serious. There was huge mob of persons, who abused the informant and also ladies from the community. No case is made out to grant bail.

07. The learned Advocate (appointed) for respondent No.3 vehemently opposes the bail application. He submits that case is clearly made out under the Atrocities Act. There is bar under section 18 of the Atrocities Act. He prays for rejection of the appeal.

08. Having heard the learned Advocates for the parties and having gone through the FIR, this Court finds that there are 15 persons who are named in the FIR, 40-50 persons were allegedly presently, however, those are not named. There is nothing to indicate any specific role of the present appellant in the FIR. This Court prima facie finds that no ingredients under any of the offences under the Atrocities Act is attracted. Other allegations are also of general nature and no specific roll is attracted to any of the person specifically. Thus, case is made out to allow the appeal. Hence, following order :-

ORDER

01) This Criminal Appeal is allowed.

02) The order dated 16.11.2024 passed in Criminal Bail Application No. 879 of 2024 by learned Additional Sessions Judge, Dhule is quashed and set aside.

03) In the event of arrest of the appellant, he shall be released on bail, in connection with crime No. 0307 of 2023, registered with Nizampur Police Station, Dist. Dhule, for the offences punishable under sections 143, 147, 148, 149, 307, 341, 427 of the Indian Penal Code, under sections 135, 37 of the Maharashtra Police Act and under sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on furnishing PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with one solvent surety/security in the like amount.

04) The appellant shall not contact any of the witnesses or the informant and shall attend the concerned police station as when required by the Investigating Officer.

05) Learned Advocate appointed for respondent No.3 shall be entitled to receive fees of Rs. 5000/- (Rupees Five Thousand Only) to be paid by High Court Legal Services Sub-Committee, Aurangabad.

[KISHORE C. SANT, J.]