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23-APEAL-389-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

23 CRIMINAL APPEAL NO. 389 OF 2025

Dilip Nathuram Bongane

...Appellant

VERSUS

1. The State Of Maharashtra

2. Anandrao Maroti More

...Respondents

...

Mr. Sudhir Chavan h/f Mr. A. N. Nagargoje, Advocate for Appellant.

Mr. S. B. Jadhav, APP for Respondent No.1-State.

Mr. A. R. Muley, Advocate for Respondent No.2.

**CORAM : KISHORE C. SANT, J.**

**DATE : 10<sup>th</sup> JULY 2025.**

**PC :-**

1. Heard the parties.

2. The appellant has approached this Court challenging an order dated 30<sup>th</sup> May 2025, passed by the learned Additional Sessions Judge, Basmathnagar, in Criminal Bail Application No.128 of 2025 refusing to grant bail in the event of his arrest in connection with C.R. No.354/2025 for the offences punishable under Sections 118(1), 115(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita and Sections 3(1)(r), 3(1)

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(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short “the Atrocities Act”).

3. The informant lodged a complaint on 23<sup>rd</sup> May 2025 with the Aundha Nagnath Police Station, Dist. Hingoli. It is alleged that on 22<sup>nd</sup> May 2025, the informant had gone to the present appellant for demanding amount of labour charges of Rs. 650/-. At that time, the appellant allegedly uttered the name of caste of the informant and asked why he required the amount. The said incident allegedly took place in front of the shop of the accused. The informant was also allegedly assaulted with fist and kick blows. The son of the present appellant namely, Kapil Bongane and two unknown girls also allegedly assaulted informant. Police, therefore, registered an FIR. The appellant approached the Sessions Court seeking anticipatory bail, the same came to be rejected.

4. Learned Advocate for the appellant vehemently argued that, looking to the FIR as it is, no offence is seen to have been committed

attracting the provisions of the Atrocities Act. Only addressing the persons in name of his caste is not sufficient to attract ingredients of Section 3(1)(r), 3(1)(s) of the Atrocities Act. No insulting and humiliating words were uttered by the appellant. Two other accused are already released on bail. On merits, he submits that no purpose would be served by keeping the accused in custody. There is no question of recovery from the present appellant. He thus prays for allowing the appeal.

5. The learned APP opposed the appeal. He submits that there are statements of two witnesses, who have seen the incident. A case is clearly made out. In view of section 18 of the Atrocities Act, no anticipatory bail can be granted. He thus prays for rejection of the appeal.

6. The learned appointed Advocate for respondent No.2 also submits that no case is made out to grant of anticipatory bail in view of bar under Section 18 of the Atrocities Act. He submits that the incident took

place in front of a shop of the accused which is clearly within the public view. Even recording of the incident is done in mobile phone. He thus submits that no bail be granted to the appellant.

7. After having heard and going through the FIR, this Court finds that, at the most, the allegation is that the accused addressed the informant in the name of his caste. There is no further overt act. No any humiliating and insulting words are used. Merely because, the incident took place in a public view is not sufficient to attract provisions of the Atrocities Act. Admittedly, there is a dispute over the amount of labour charges. It is not the case that the accused had any intention to cause any humiliation or insult in the name of caste.

8. Looking to the fact as stated in the FIR, this Court finds that no ingredients are made out. So far as two statements are concerned, in one of the statements, it is only stated that the accused addressed the informant in the name of caste. Nothing further is shown to make out a case under the Atrocities Act. In another statement, there is nothing to

show that the name of caste was uttered by the accused. Even in the supplementary statement, the victim has given name of only three persons whose name in the FIR at the time of lodging the FIR. Though the informant was required to be taken to the hospital, no serious injuries are seen. The learned Sessions Judge failed to appreciate that to make out a case under Section 3(1)(r) and 3(1)(s) of the Atrocities Act. It is also show that the accused have insulted and humiliated member of SC or ST. This Court thus finds that a case is made out to grant anticipatory bail by quashing and setting aside the impugned order. Hence, the following order:

**ORDER**

- (i) Criminal Appeal stands allowed.
- (ii) The impugned order dated 30<sup>th</sup> May 2025 passed by Additional Sessions Judge, Basmathnagar in Criminal Bail Application No. 128 of 2025 rejecting application anticipatory bail is quashed and set aside.
- (iii) In the event of arrest of the Applicant in connection with

C.R. No. 354 of 2025 registered with Aundha (Nagnath), Police Station Dist. Hingoli, he be released on bail on furnishing a P.R. Bond of Rs.25,000/- with one surety in the like amount.

(iv) The applicant shall not tamper with the prosecution evidence and give threat to the first informant or any of the prosecution witnesses.

(v) The applicant shall attend the concerned police station as and when called for and co-operate with the investigation.

(vi) The applicant shall not enter the limits of Aundha (Nagnath) Police Station till filing of the charge-sheet except for attending the Police Station.

(vii) The applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(viii) With this, Criminal Appeal stands disposed off.

(xi) Advocate Mr. Muley is appointed for Respondent No.2. He shall be entitled to receive fees as per rules.

[KISHORE C. SANT, J.]