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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 CRIMINAL APPEAL NO. 503 OF 2025

MADHAV BAPURAO DADHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.A.R.Dhore, Advocate for the appellant.
Mr.D.B.Bhange, APP for the respondent/State.
Mr.Rajeev M.Gaikwad, Advocate for respondent No.3.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 29 SEPTEMBER 2025

PER COURT :

1. Heard the learned Advocate for the appellant.
2. Respondent No.3 Vijay Dhule has filed report with the Police Station. On going through the report, it shows that on 18.06.2025, around 7.00 p.m. when he was sitting outside his house, the appellant came to his house and asked him for permission to enter his house. Upon that, there was exchange of words between the informant and the appellant and in that quarrel, the appellant abused the informant by referring to his caste and accused have slapped him.

On the basis of said report, Crime No.208/2025 for the offences punishable u/s 115(2), 352, 351(1(2) of the Bhartiya Nyaya Sanhita, 2023 and u/s 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 came to be registered with Hatta Police Station, Dist.Hingoli.

3. Heard the learned Advocate for the appellant. According to him, the allegations levelled against him are false and baseless and no *prima facie* case is made out against the appellant. He also submitted that there is delay in registering the FIR. According to him, the incident did not take place within the meaning of public view and accordingly prayed for grant of anticipatory bail.

4. Per contra, the learned APP has strongly opposed the grant of anticipatory bail. The learned APP has also made available to this Court the investigation papers. After perusing the investigation papers, it is to be seen that the investigation in respect of the crime is already over and mere formality of filing charge sheet has remained. The learned APP would submit that the crime committed by the appellant is serious one and as such the application for grant of anticipatory bail be

rejected.

4. The learned Advocate for the respondent no.3 also reiterated the same submissions and pointed out that *prima facie* offence is made out against the appellant and as such prayed for rejection of the appeal. He also handed over the judgment of the Hon'ble Apex Court passed in **Kiran Vs. Rajkumar Jivraj Jain and another in Special Leave Petition (CRL.) No.8169/2025**.

5. After going through the submissions of the learned Advocates for the respective parties, it is apparent that this Court vide order dated 14.07.2025 has already granted ad-interim protection to the appellant. Thereafter, the appellant has attended the concerned police station as per the order of this Court. This position is not disputed by the learned APP.

6. After going through the contents of the FIR, it is clear that the said quarrel took place on account of appellant going to the house of the informant on pity issue. The contents, however, do not disclose the commission of *prima facie* offence and as such, the instant appeal

for grant of anticipatory bail can be considered.

7. In view of the aforesaid submissions, *prima facie* case is made out for grant of anticipatory bail. Accordingly, I pass the following order :-

O R D E R

[a] The impugned order passed by the learned Additional Sessions Judge, Basmathnagar, Dist.Hingoli dated 30.06.2025 is quashed and set aside.

[b] In the event of arrest of the appellant in Crime No.208/2025 for the offences punishable u/s 115(2), 352, 351(1(2) of the Bhartiya Nyaya Sanhita, 2023 and u/s 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered with Hatta Police Station, Dist.Hingoli, he shall be released on furnishing PR bond of Rs.15,000/- (Rs.Fifteen thousand only) with one solvent surety in the like amount.

[c] The appellant shall attend the concerned police station as and when called by the Investigating Officer till filing of the charge sheet.

[d] The appellant shall not try to contact or pressurize the witnesses or the informant, in any manner whatsoever.

[e] The appellant shall give his residential address and mobile number to the Investigating Officer.

8. It is made clear that the observations made in this order are *prima facie* in nature for the purpose of adjudication of this appeal only.

(SUSHIL M. GHODESWAR, J.)