



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

923 CRIMINAL APPEAL NO. 670 OF 2025

Mangesh s/o Ganpat Puri,
Age; 29 years, Occ; Marketing,
R/o; Village Fulkalas, Taluka Purna,
District Parbhani.

...APPELLANT
(Orig. Accused No.1.)

VERSUS

1. The State of Maharashtra,
Through the Superintendent of Police,
Parbhani.
2. The State of Maharashtra,
Through Investigation Officer,
Tadkalas Police Station,
Tq. & Dist. Parbhani.
3. The Victim (Informant),
In Crime No. 193 /2025
R/o; Village Mirkhel,
Tq. & Dist. Parbhani.

..Orig. Informant.
...RESPONDENTS

...
Advocate for Appellant : Mr. Shivsamb N. Janakwade
APP for Respondents/State : Ms. Anuradha S.Mantri
Advocate for Respondent No. 3 : Mr. Amol G. Vasmatkar
...

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 27.11.2025

PER COURT :

1. The appellant is challenging the order dated 29.08.2025,
passed in Criminal Application No. 598 of 2025, by the Additional

Sessions Judge-1, Parbhani, wherein, his application for grant of anticipatory came to be rejected. Through this appeal filed under Section 14-A of the, Atrocities Act, the appellant prays for grant of anticipatory bail.

2. The Crime No. 193 of 2025 was registered on the basis of report lodged by respondent No. 3, the victim. As per the said report it came to be submitted that the appellant was acquainted with respondent No. 2 since 17.04.2020 and later on, it was converted into love relationship in between them. According to respondent No. 3-Victim, the appellant himself has informed her that since she is belonging to different religion, therefore, he is unable to perform marriage with her. It is further stated in the said report that on 17.03.2025, at about 8.00 a.m., in the morning, when the informant was required to go out side the village for the purpose of marketing and when she was standing at the bus stand, at that time, the present appellant along with his mother came near her and alleged to have abused her in filthy language. Thereafter, there took quarrel between them and thereafter the accused alleged to have taken her to her house, where, the accused alleged to have abused and misbehaved with her. On the basis of said incident the informant has accordingly lodged report with Tadkalas Police Station. On the basis of said report the police registered Crime No. 193 of 2025, on 22.07.2025 at Tadkalas Police station, Taluka and District Parbhani, for the offence punishable under Sections 115 (2), 296(b), 3(5), 352 of

Bhartiya Nyaya Sanhita, 2023 and under Section 3(1) (r) and 3(1) (s) of Scheduled Casts and Scheduled Tribes (Prevention of Atrocities Act). 1989.

3. Heard Mr. Shivsamb N. Janakwade, learned Counsel for the appellant, learned APP Ms. Anuradha S.Mantri for Respondent Nos. 1 & 2-State and Mr. Amol G. Vasmatkar learned Advocate for Respondent No. 3.

4. According to Mr. Janakwade, learned Counsel for the appellant, vide order dated 11.09.2025, this court has already protected the appellant by way of interim order and since then the appellant has not misused the liberty granted to him. He has further submitted that the alleged incident is on the basis love relationship between the appellant and respondent No. 3. He further submitted that the appellant is falsely implicated and as such, the appellant has not committed any such offence as alleged. He further submitted that mother of the appellant has already granted anticipatory bail. He further stated that the appellant is ready to abide conditions, if any, to be imposed by this Court and therefore, prayed for grant of anticipatory bail to the appellant.

5. Ms. Mantri, learned APP for Respondent State, however, strongly opposed the instant appeal. She has referred the statements of

certain witnesses, who have witnessed the incident in question and they have supported the prosecution case. She submits that the offence registered against appellant is very serious in nature and therefore, submits that the appellant if released on bail may pressurize the prosecution witnesses and therefore, prayed for rejection of the bail.

6. Mr. Vasmatkar, learned Advocate for the respondent/victim adopted the submissions of the learned APP. He further submitted that the victim is belonging to the scheduled tribe community. If the appellant is released on bail, he will threaten the victim and may commit similar offence again. He further submitted that the appellant has committed very serious crime against a women and used virtually very obscene words against a woman, therefore, the appellant is not entitled for grant of bail. He further submitted that the alleged incident is taken place at the public place and therefore, the provisions of Section 18 of the Atrocities Act are very much attracted and therefore, this Court should not entertain this appeal. In support of his submissions he has also cited a judgment of the Hon'ble Apex court in **Kiran Vs. Rajkumar Jivraj Jain and Ors – reported in 2025 CriLJ 3925 (MANU/SC 1222/2025)**.

7. After hearing the learned Counsel/s for the parties and after going through the investigation papers, it is clear that the alleged incident took place on 17.03.2025. The FIR in question is registered on

22.07.2025 i.e. after the period of four months and there is at all no explanation is offered by the respondents as to why the delay is caused in registering offence against the accused person. The delay caused in registration of the offence itself creates doubt as regards the prosecution case. Though the alleged incident took place at the public place i.e. on the bus stand, however, there is reference in paragraph No. 3 of the report, which suggests that at the time of said incident, except abuses to a women in filthy language, there is no humiliation in respect of her caste. It is also further to be noted here that the investigation in the instant crime is almost over and mere formality of filing charge-sheet is remained.

8. After taking into consideration the fact and circumstances of the case, it is clear that no prima-facie case is made out in the instant appeal. Therefore, the bar under Section 18 of the Atrocities Act is not attracted. In that view of the matter, I proceed to pass following order :

ORDER

[i] The appeal is allowed.

[ii] The impugned order dated 29.08.2025 passed by the learned Additional Sessions Judge-1, Parbhani, is hereby quashed and set aside.

(iii) Ad-interim anticipatory bail granted by this Court vide order dated 11.09.2025 is confirmed.

[iv] In the event of arrest, the Appellant Mangesh Ganpat Puri, he shall be released on bail in connection with Crime No. 193 of 2025, registered on 22.07.2025 at

Tadkalas Police station, Taluka and District Parbhani, for the offence punishable under Sections 115 (2), 296(b), 3(5), 352 of Bhartiya Nyaya Sanhita, 2023 and under Section 3(1)(r) and 3(1)(s) of Scheduled Casts and Scheduled Tribes (Prevention of Atrocities Act). 1989, on furnishing PR bond of Rs.25,000/- with one surety in the like amount to the satisfaction of the trial Court.

[v] The Appellant shall not enter the jurisdiction of the Mirkhel village limits of Tadkalas where presently the Complainant resides during pendency of the trial.

[vi] The Appellant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

[vii] The Appellant shall co-operate with the trial Court and shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

[viii] The Appellant shall not tamper with the evidence of the prosecution and shall not influence the informant, witnesses and other persons concerned with the case and not to indulge in any criminal activities.

[ix] The Appellant, upon being released on bail, shall place on record of the trial Court their details of Contact Number and residential addresses with updates in case of any change.

9. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the Appellant shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited to the disposal of the present appeal. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The appeal stands allowed and disposed of.

(SUSHIL M. GHODESWAR, J.)

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