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

CRIMINAL APPEAL NO.721 OF 2025

Ramesh Dadasaheb Lipne

....APPELLANT

VERSUS

1. State of Maharashtra,
thr. Officer Incharge,
Police Station, Selu,
Dist. Parbhani

2. Superintendent of Police,
Parbhani, Dist. Parbhani

3. Ganesh Harichandra Natkar

....RESPONDENTS

.....

Mr S. J. Salunke, Advocate for Appellant

Mr G. O. Wattamwar, APP for Respondent Nos.1 & 2/State

Ms Smita R. Kasture, Advocate (Appointed) for Respondent No.3

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 16 OCTOBER 2025

P. C. :

1. This matter was called out in first session. Learned APP submitted that nobody appeared on behalf of respondent No.3/complainant. Hence, learned Advocate Ms Smita Kasture was appointed for respondent No.3/complainant through the High Court Legal Services Sub-Committee, Aurangabad. A pass over was granted

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to learned Advocate for respondent No.3 to go through the matter. Thereafter, this matter is called out in second session.

2. By this appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, the appellant is praying for quashing and setting aside the order dated 30/08/2025, passed by the learned Additional Sessions Judge-1, Parbhani, Dist. Parbhani, below Exhibit 01 in Criminal Bail Application No.588/2025, wherein the application filed by him praying for grant of anticipatory bail in connection with Crime No.0384/2025, registered with Selu Police Station, Dist. Parbhani for the offence punishable under Sections 189(2), 190, 191(2), 296, 115(2) 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, came to be rejected. The appellant is further praying for grant of anticipatory bail to him in aforesaid crime.

3. The aforesaid crime was registered on the basis of the report lodged by the complainant/respondent No.3. Report is filed on 20/07/2025 for the alleged incidents dated 19/07/2025. As per the report, it is stated that, on 19/07/2025 in the evening, the informant

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came to be informed through his wife that the appellant had scuffle with Krushna Galphade and his friend Munna Poul on account of motorcycle driving. It was stated that the appellant alleged to have slapped Krushna. Thereafter, in the evening at 7:45 p.m., when the informant had gone to Mahadeo Temple, at that time the appellant was present there and on account of alleged incident, the quarrel took place between him and the appellant. It is alleged that the appellant has abused the informant by referring his caste. The other accused persons who were present there alongwith the appellant also alleged to have abused the informant by referring to his caste and also assaulted him with kicks and fist blows. In view of the said incident, the informant went to police station in the night for submitting report to the Police. While going to Police Station, he received phone call from his wife who informed him that other accused persons have also abused her in filthy language and by referring caste and threatened her to murder. On the basis of the said report, the aforesaid crime was registered.

4. Since the provisions of Atrocities Act were involved in the said crime, the investigation of the same was handed over to the Deputy Superintendent of Police. There were in all seven accused person involved in the alleged crime. Present appellant is accused No.1. Except present appellant, all the other accused persons have

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been granted anticipatory bail by the learned Special Court, Parbhani. The appellant, being alleged to be main accused in the said crime, the learned Sessions Court did not grant him anticipatory bail.

5. Heard learned Advocates for the respective parties.

6. Mr Salunke, learned Advocate for the appellant submits that no such incident of threatening and hurling abuses to the informant is occurred and it was took place on the basis of issue of motorcycle driving. On account of previous incident, the accused persons came to be falsely implicated by levelling frivolous allegations against them. The investigation papers show that statements of interested witnesses have been recorded. The incident alleged to have been taken place in the premises of Mahadeo Temple and even though the same is not witnessed by any independent witnesses. It is therefore not happened within public view and therefore, no bar under Section 18 of the Atrocities Act is attracted. He further submits that there is no *prima facie* case against the appellant and the learned Sessions Court has erred in rejecting his application for anticipatory bail. He then submits that the ingredients of alleged offences are not made out and therefore, custodial interrogation of the appellant is not necessary. He submits that, if this Court granted anticipatory bail to the appellant, he

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is ready to abide by each and every conditions, imposed upon him by this Court. Thus, he prayed for grant of anticipatory bail to the appellant by allowing present appeal.

7. Per contra, learned APP appearing for respondent Nos.1 and 2/State vehemently opposes the appeal. According to him, the investigation papers disclose prima facie case against the appellant in the crime. He submits that the appellant has committed serious crime and his custodial interrogation is necessary for the purpose of investigation. He further submits that the investigation in the crime is going on, and if the appeal is allowed and appellant is released on bail, the possibility of tampering of prosecution witnesses by the appellant cannot be ruled out. Thus, he prays for rejection of the anticipatory bail to the appellant.

8. Learned Advocate (appointed) for respondent No.2 also vehemently opposes the appeal and reiterate the submissions made by the learned APP. According to her, the appellant is involved in a serious crime as he has virtually assaulted the complainant and hurled caste based abuses at the public place. As such, he has committed a crime against members of scheduled caste and humiliated, insulted the complainant by referring his caste. She further contended that, if the

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appellant is released on bail, there would be law and order situation in the village, and as such, she prays for rejection of the anticipatory bail to the appellant.

9. With the assistance of the learned Advocates for the respective parties, I have perused the first information report and the investigation papers made available to the Court. It is seen from the investigation papers that there are statements of various witnesses who have supported the prosecution case. However, all the witnesses are belonging to only one community and there is no other witnesses to support the prosecution case. The other accused who have been granted anticipatory bail by the learned Sessions Court were also having similar overt act, and as such, the role of present appellant cannot be segregated from their role. Though there is substance in the submission of learned APP and learned Advocate for respondent No.3/complainant that it is the appellant who is the prime accused, however, the other accused already have been granted anticipatory bail by the learned Sessions Court and role of the present appellant can not be segregated from their case. Therefore, the instant appeal deserves to be allowed by granting anticipatory bail to the present appellant. However, the apprehension of tampering with the prosecution

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witnesses expressed by the learned APP and learned Advocate for respondent No.3 can be taken care by putting strict conditions on the appellant. Hence I pass the following order :-

ORDER

- a) The Criminal Appeal stands allowed.
- b) The impugned order dated 30/08/2025, passed by the learned Additional Sessions Judge-1, Parbhani, Dist. Parbhani, below Exhibit 01 in Criminal Bail Application No.588/2025, is quashed and set aside
- c) The appellant shall be released in the event of his arrest in connection with Crime No. 0384/2025, registered with Selu Police Station, Dist. Parbhani for the offence punishable under Sections 189(2), 190, 191(2), 296, 115(2) 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, on furnishing PR bond of Rs.25,000/- [Rupees Twenty Five Thousand Only], with one solvent surety/ security in the like amount.
- d) Appellant shall attend the concerned police station as and when called by the Investigating Officer.

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e) Appellant shall not try to contact or pressurize the witnesses or the informant, in any manner whatsoever.

f) Appellant shall not enter in Taluka Selu, Dist. Parbhani till the filing of charge-sheet.

10. However, it is made clear that the observations made in this order are *prima facie* in nature for the purpose of adjudication of this appeal.

11. Fees of the learned Advocate Ms Smita Kasture (appointed) to represent respondent No.3, who has taken efforts in preparing herself to conduct the matter within a short span, is to be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules.

[SUSHIL M. GHODESWAR, J.]

sjk