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

933 CRIMINAL APPEAL NO. 739 OF 2025

RAMESHWAR PANDURANG LUNGE

....APPELLANT

VERSUS

1. THE STATE OF MAHARASHTRA,
THR. IN-CHARGE OFFICER,
POLICE STATION, SENGARON,
DIST. HINGOLI

2. THE SUPERINTENDENT OF POLICE
S.P. OFFICE, HINGOLI

3. SHILA BHIMRAO WATHORE

....RESPONDENTS

.....

Mr R. G. Narwade, Advocate for Appellant

Ms U. S. Bhosale, APP for Respondent Nos.1 & 2/State

Ms Shilpa L. Awchar, Advocate for Respondent No.3

.....

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 17th DECEMBER 2025

P. C. :

1. By this criminal appeal, the appellant is praying for quashing and setting aside the order dated 09/09/2025, passed by the learned Additional Sessions Judge, Hingoli Dist. Hingoli, below Exhibit 01 in Criminal Bail Application No.419/2025 whereby, the said application preferred by the appellants for grant of anticipatory

(2)

bail was rejected. Through this appeal, the appellants are also praying for grant of anticipatory bail in the aforesaid crime.

2. The aforesaid anticipatory bail application was preferred in Crime bearing FIR No.0379/2025 registered on 13/08/2025 with Sengaon Police Station, District Hingoli for the offences punishable under Sections 115(2), 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Atrocities Act'). The FIR came to be lodged at the behest of respondent No.3/ informant.

3. After perusal of the first information report, it appears that that accused persons have obstructed victim and her relatives on account of grazing of their goats in the Gairan land. There started scuffle in between them. During the said scuffle, accused persons alleged to have threatened and assaulted informant by fist and kicks blows. Co-accused Dnyaneshwar and Pandurang were arrested and released on regular bail by the learned Sessions Court. However, present appellant had preferred an application for anticipatory bail before the learned Additional Sessions Judge, Hingoli, which came to be rejected.

(3)

4. Heard learned Advocate Mr Narwade for the appellant, learned APP Ms Bhosale for respondent Nos.1 and 2/State and learned Advocate Ms Awchar for respondent No.3.

5. Mr Narwade, learned Advocate for the appellant submits that there was civil dispute in relation to land between informant and appellant and civil suit was also filed before the learned Civil Judge Senior Division, Hingoli. Therefore, for satisfying her personal grudge, the informant has made false allegations against the appellant and whole story of informant is concocted and filed only to harass the appellant. He then submits that the role attributed to the present appellant is that, after the initial scuffle, he alleged to have come on the spot and beaten the other victims, namely, Puja and Rahul by fists and kicks blows and threatened them to kill. He then submits that co-accused in this case have already released on regular bail. He then submits that, if this Courts grants anticipatory bail to appellant, the appellant is ready to abide each and every condition imposed by this Court upon him. He, therefore, submits that custodial interrogation of the appellant is unwarranted and appeal deserves to be allowed. He, therefore, prays for grant of anticipatory bail to the appellant.

(4)

6. Per contra, learned APP appearing for respondent No.1/State strongly opposes the present appeal for anticipatory bail to the appellant. According to her, the offence committed by the appellant is very serious one and there is strong material available against the appellant. Therefore, she prays for rejection of the appeal.

7. Learned Advocate (appointed) for respondent No.3 also argued at length and she tried to justify the order passed by the learned Additional Sessions Court, rejecting anticipatory bail application of the appellant. According to her, prima facie case is made out against the appellant, and therefore, she submits that the appellant is not entitled for grant of anticipatory bail. She further submits that, if he released on bail, he may threaten the prosecution witnesses and may tamper evidence. She, therefore, prays for rejection of the appeal.

8. I have heard the submissions made by the learned Advocates for the respective sides perused the investigation papers. It appears that there was civil dispute between appellant and the informant and because of that, filing of FIR by the informant in view of strained relations between them, cannot be ruled out. The present appellant has been protected by this Court by way of interim order vide order dated 04/10/2025. Investigation in the matter is almost

(5)

completed and mere filing of charge-sheet against the appellant is remained. Statements of witnesses also disclose no specific role attributed to present appellant. Co-accused Dnyaneshwar and Pandurang are released on regular bail by the learned Sessions Court. In that view of the matter, it can be easily concluded that the appellant deserves to be granted anticipatory bail. However, apprehension of the learned APP and learned counsel for respondent No.3 can be taken into consideration while releasing the appellant on bail 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 09/09/2025, passed by the learned Additional Sessions Judge, Hingoli Dist. Hingoli, below Exhibit 01 in Criminal Bail Application No.419/2025 is hereby quashed and set aside.
- c) The order of this Court dated 04/10/2025 granting interim bail to appellant is hereby confirmed.
- d) In the event of arrest of the appellant in connection with Crime bearing FIR No.0379/2025 registered on 13/08/2025

(6)

with Sengaoon Police Station, District Hingoli for the offences punishable under Sections 115(2), 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, he shall be released on furnishing PR bond of Rs.25,000/- [Rupees Twenty Five Thousand Only], with one solvent surety/ security in the like amount.

e) Appellant shall not influence or contact with any witnesses or informant and not to interfere with the evidence of the prosecution, in any manner whatsoever.

f) Appellant shall attend the concerned police station as and when called by the Investigating Officer.

g) Appellant shall cooperate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

h) Appellant shall place on record of the trial Court the details of his contract number and residential address with updates in case of any change.

i) Appellant shall not commit any crime during his bail period.

(7)

9. It is made clear that, in case of violation of any of the aforesaid conditions, the bail granted to the appellant shall be liable to be cancelled.

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. Since learned Advocate for respondent No.3 is appointed through High Court Legal Aid Services, Sub Committee, Aurangabad, her fees shall be calculated and paid to her as per rules.

[SUSHIL M. GHODESWAR, J.]

sjk