



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

8 CRIMINAL APPEAL NO. 1026 OF 2024

**SHIVRAM MAHAJAN DHEPE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. A. M. Gaikwad, Advocate for the Appellant
Ms A. S. Deshmukh, App for Respondent No.1 – State
Mr. Prasanna Chavan, Advocate (Appointed through the Legal
Aid) for Respondent No.2

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 20.01.2025

PER COURT :-

1. Heard Mr. Gaikwad, the learned counsel for the Appellant, the learned APP and Mr. Chavan, the learned counsel for Respondent No.2, at length.

2. Having regard to the submissions canvassed on behalf of both the sides, I have gone through the record. By the present Appeal, the Appellant / accused prays for anticipatory bail in Crime No.0164 of 2024, registered at Usmannagar Police Station, District Nanded, for the offence punishable under Section 115(2),

329(3), 74 of Bhartiya Nyaya Sanhita, 2023 and under Section 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i), 3(1)(w)(ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. On face of record it appears that, on 12.09.2024, the informant / Respondent No.2 lodged a oral report with Osmannagar Police Station, Nanded alleging that on 11.09.2024 at about 9.30 p.m., he along with pillion rider his son Yuvraj, was proceeding on motorcycle towards his house from Ramkrishna Petrol Pump and when he reached opposite to Wada Bar, at that time one Ertiga car came from behind him and the driver of car gave horn loudly and cut to his motorcycle. When he asked the car driver about the same, at that time, the driver told him to come at Kapsi Gumphala. Accordingly, the driver of car apologized him near the bus stop of Kapsi (Khurd). Thereafter, the informant/respondent No.2 visited at his house and given kick to the door of his house and caught hold the hand of his wife. Thereafter at about 11.00 p.m., he received a phone call from his wife and informed about said incident. On the basis of said report Crime No.0164 of 2024 registered against the Appellant / accused.

4. The Investigating Officer recorded the statements of the witnesses. However, it does not appear that there were any previous enmity between the Appellant and Respondent No.2. The alleged incident of caught holding of the hand of informant's wife occurred at about 11.00 p.m. in previous night. So also, on 12.09.2024, when the informant was at a hotel near the bus stand at that time the accused visited there and abused him on his caste as to why this Appellant gave trouble to his relatives in the previous night and slapped. Since it appears about occurrence of dispute about road rage due to blowing loud horn, therefore, the interrogation of the present Applicant / accused is not required, so also, no any recovery is to be effected from the accused. Needless to say that, on 12.09.2024, Crime No.0164 of 2024, registered at Usmannagar Police Station, District Nanded, since then, the Investigating Officer has not made efforts to arrest the present Applicant / accused. Therefore, considering the nature of offence, I am inclined to grant the present Appeal and proceed to pass the following order:-

ORDER

- (i) The present Appeal is hereby allowed.

- (ii) The order dated 09.10.2024, passed by the learned Additional Sessions Judge, Kandhar, District Nanded, below Exh.01 in Criminal Bail Application No.163 of 2024, is hereby set aside.
- (iii) In the event of arrest the Appellant / accused Shivram Mahajan Dhepe, be released on anticipatory bail in Crime No.0164 of 2024, registered at Usmannagar Police Station, District Nanded, for the offence punishable under Section 115(2), 329(3), 74 of Bhartiya Nyaya Sanhita, 2023 and under Section 3(1)(r), 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i), 3(1)(w)(ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act., on execution of P.R. bond of Rs.50,000/- with one or two sureties in the like amount.
- (iv) The Appellant shall attend the concerned Police Station on every Monday between 11.00 a.m. and 1.00 p.m. till filing of chargesheet and he shall cooperate with the Investigating Officer.
- (v) The Appellant shall not issue threat to the witness and shall not tamper with the prosecution evidence.

[Y. G. KHOBRADE, J.]