



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

912 CRIMINAL APPEAL NO. 80 OF 2025

PANDURANG RAJENDRA KALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr. Rahul R. Karpe, Advocate for the Appellant

Mr. S. M. Ganachari, APP for the Respondent Nos. 1 and 2 – State

....

CORAM : Y. G. KHOBRAGADE, J.

DATE : 06.02.2025

PER COURT :-

1. Heard the learned counsel for the Appellant.
2. By the present Appeal, the Appellant Pandurang Rajendra Kale, seeks to challenge the order dated 14.01.2025 passed by the learned Additional Sessions Judge, Kallam, District Dharashiv in Criminal Bail Application No.02 of 2025 and prayed for ad-interim anticipatory bail in Crime No.0003 of 2025, registered with Kallam Police Station, District Dharashiv, for the offence punishable under Sections 115(2), 352, 351(2) of Bhartiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. On face of record, it appears that on 01.01.2025, Respondent No.3 lodged a report with Kallam Police Station, District Dharashiv, alleging that on 26.11.2024 at about 12.00 noon, when she with her husband and son were proceeding for lunch towards Gulmohar Hotel, at that time, the present Applicant/accused intercepted and asked why they are visiting for lunch in other hotel instead of his hotel and quarreled with her. So also, the Applicant/accused abused them on caste. So also, the present Applicant/accused assaulted with fist and blow to her and when her husband intervened, at that time, the Applicant/accused again abused in filthy language on caste.

4. The F.I.R. remained silent to show that the Applicant/accused is of upper caste other than the S.C. and S.T. community. The F.I.R. appears to be silent whether the said abusement is in public view or not. Therefore, considering the observations made by this Court in Criminal Appeal No.351 of 2020, ***Dada @ Anil s/o Navnath Murkute Vs. The State of Maharashtra and another***, decided on 10.08.2020, as well as the ratio laid down by the Hon'ble Supreme Court in the case of ***Prithvi Raj Chavan Vs. Union of***

India and Others, AIR SC 1036 and the Judgment delivered on 31.01.2025, by the Hon'ble Supreme Court in Special Leave Petition (Criminal) No.8778 – 8779 of 2024, (*Karuppudayar Vs. State Rep. By the Deputy Superintendent of Police, Lalgudi Trichy & Ors.*), to my mind, the accused is entitled for ad-interim anticipatory bail at this juncture. In view of above, I proceed to pass the following order:-

:: ORDER ::

- (i) Issue notice to the Respondents, returnable on 27.2.2025.
- (ii) The learned APP waives service of notice on behalf of Respondent Nos. 1 and 2.
- (iii) The Investigating Officer to serve Respondent No.3 under Section 15A of the SC/ST (Prevention of Atrocities) Act.
- (iv) In the event of arrest, the accused Appellant Pandurang Rajendra Kale, be released on bail in Crime No.0003 of 2025, registered with Kallam Police Station, District Dharashiv, for the offence punishable under Sections 115(2), 352, 351(2) of Bhartiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on furnishing P. R. bond of Rs.50,000/- with one or two solvent sureties of the like amount.

- (v) The Appellant shall attend the concerned Police Station on every Monday between 11.00 a.m. and 2.00 p.m. till filing of charge-sheet and he shall cooperate with the Investigating Officer.
- (vi) The Appellants shall not issue threat to the witness and shall not tamper with the prosecution evidence.
- (vii) The Appellant shall not leave his village without permission of the Investigating Officer till filing of chargesheet.

[Y. G. KHOBRAGADE, J.]

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