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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 CRIMINAL APPEAL NO. 91 OF 2025

PRAVIN VASANT MORE PATIL

....Appellant

VERSUS

THE STATE OF MAHARASHTRA THROUGH TALUKA POLICE
STATION NANDURABAR AND ANOTHER

.....Respondents

Mr. G. R. Syed, Advocate for the appellant

Mr. R. M. Gaikwad, Advocate for the respondent No.2

Mr. S. B. Jadhav, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 26th JUNE, 2025

P. C.

1. Heard the parties.

2. The present appeal is filed challenging the order passed by the learned Additional Sessions Judge, Nandurbar dated 24-01-2025 rejecting the anticipatory bail application of this appellant. He further prays for release on bail in the event of his arrest in connection with Crime No.0265/2024 registered with Nandurbar Taluka Police Station, Dist. Nandurbar for the

offences punishable under Sections 115(2), 352, 351(1), 351(2) of Bhartiya Naya Sanhita, 2023 and under Section 3(1)(r) and 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

3. It is the allegation of respondent No.2 that he is working as Security Guard in S. K. Enterprises Security Pvt. Ltd. He is having a land alongwith his mother in Indrihatti Shivar bearing Land Gut No.43/2 1-H 39-R. By the side of the said land there is tower of one company namely Sujlan Company bearing tower No. 368. There was dispute with Sujlan Company as the water accumulates in the land belonging to said company and damages the agriculture land of the informant. The present appellant assured the informant to give job as Security Guard. The road going to the agriculture field was also repaired. However, though the informant was working regularly, he was not given salary from August, 2024 and September, 2024. Salary of other Security guards was paid. On asking him, the appellant abused the informant in the name of caste. He further

threatened him of consequences. This incident is alleged on 16-09-2024. The police on the basis of this registered the FIR.

4. The learned Sessions Judge has passed an order and rejected the application seeking anticipatory bail.

5. Mr. Syed, learned advocate for the appellant vehemently argued that except utterance in the name of caste, no other insulting words or abuse are given to the informant. Dispute is mainly about payment of salary. There is 11 days delay in lodging the complaint. There is no any explanation given for such delay. He thus, submits that no case is made out making out any offence under the Atrocities Act.

6. Mr. Gaikwad, Advocate vehemently opposed the appeal.

7. The learned APP also submits that a case is made out under section 3(1)(r) and 3(1)(s) of the Atrocities Act as the

incident occurred near temple which is public view.

8. After hearing the parties this court has gone through the FIR. In the FIR only allegation is that the name of the caste was taken by the appellant. There is no explanation as to why there is delay of more than 10 days caused in lodging the FIR. The learned APP could not point out the statement of independent witnesses. In the information name of two persons is mentioned by the informant. However, no statement of such person are recorded and does not show that they have stated that they have witnessed the incident. Now the investigation is over and charge-sheet is also filed.

9. Considering all above, this court finds that a case is made out to allow the appeal. Hence, the following order:

ORDER

a] The Criminal Appeal is allowed.

b] The impugned judgment and order dated 24-

01-2025 passed by the learned Additional Sessions Judge, Nandurbar is quashed and set aside.

c] The appellant be released on bail in the event of his arrest in connection with Crime No.0265/2024 registered with Nandurbar Taluka Police Station, Dist. Nandurbar for the offences punishable under Sections 115(2), 352, 351(1), 351(2) of Bhartiya Naya Sanhita, 2023 and under Section 3(1)(r) and 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, on furnishing PR bond in the sum of Rs.25,000/- [Rupees Twenty Five Thousand] with one solvent surety in the like amount on following conditions:

a] The appellant shall not contact the informant.

b] The appellant shall give his residential address and contact details, in case there is change to the Investigating Officer.

(6)

18criapl91.25

c] The appellant shall attend the police station as and when called by the Investigating Officer.

10. The learned advocate for the respondent No.2 is appointed by this court. This court appreciates his efforts. Fees be paid to the learned advocate for the respondent No.2 as per rules by the Legal Aid.

[KISHORE C. SANT, J.]

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