

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 773 of 2024**

Dipali Milind Mahure

... Appellant

versus

The State of Maharashtra and anr.

.... Respondents

Mr. Shriram S. Kulkarni along with Mr. Monish K. Vig, Advocate for the Appellant.

Ms.Sangeeta D. Shinde, APP for Respondent No.1-State

Mr. Nitesh J. Mohite, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th APRIL, 2025.

P.C. :

1. The anticipatory bail application of the appellant is rejected by the Trial Court, hence, the appellant is before this Court by way of this appeal.

2. The appellant apprehends arrest in Crime No.624 of 2024 registered with Mahatma Phule Police Station, Thane City, for the offences punishable under Section 504 of the the Indian Penal Code 1860 and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It is prosecution case that the first informant was partner in partnership firm of the appellant. Due to dispute, the first informant was removed from the partnership firm. It is alleged that when the first informant had approached the appellant for claiming his dues in the said

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firm on 4th December 2023, the appellant abused the first informant on his caste in presence of his friend.

4. It is contention of learned counsel for the appellant that the appellant has been falsely implicated in this case. There is around six months' delay in lodging the complaint. There is no explanation for the delay mentioned in the complaint. Due to partnership dispute, the appellant has been falsely implicated in this case. Interim protection is operating in favour of the appellant since more than one year. The appellant has co-operated with the investigation. Hence, requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for respondent No.2 that appellant has abused the first informant on his caste in the presence of his friend. The Trial Court has rejected the anticipatory bail application of the appellant. Considering the allegations against the appellant, her custodial interrogation is required and requested to dismiss the appeal.

6. I have heard all learned counsel, perused the FIR and documents produced on record. There is delay of six months in lodging the complaint. No explanation is given for delay. The interim protection is operating in favour of the appellant since 17th December 2024. The appellant is co-operating with the investigation. Considering these facts, custodial interrogation of the appellant is not required and I pass following order :

ORDER

- (i) In the event of arrest, the appellant be enlarged on bail in in Crime No.624 of 2024 registered with Mahatma Phule Police Station, Thane City, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The appellant shall attend the concerned police station as and when required.

The appeal is allowed in the aforesaid terms and is accordingly disposed of.

- 7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)