



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Appeal No. 570 of 2025

Sandeep S/o Sanjay Kunte

Versus

The State of Maharashtra through Police Station Officer, Police Station
Kalmeshwar, District Nagpur and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.P.Sonwane, Advocate for the appellant.

Shri C.A.Lokhande, APP for the respondent/State.

CORAM : NIVEDITA P. MEHTA, J.
DATED : 21st NOVEMBER, 2025.

1. Heard.
2. Issue notice to the respondents, returnable on 12/12/2025.
3. Shri C.A.Lokhande, learned Additional Public Prosecutor waives service of notice for respondent/State and seeks time to file reply.
4. Learned APP seeks time to file reply in the matter.
5. The appellant has preferred the present appeal seeking grant of anticipatory bail in connection with Crime No. 913 of 2025 registered at Police Station

Kalmeshwar for offences punishable under Section 3(2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “Atrocities Act”), and Section 109 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the “BNS Act, 2023”).

6. The case of the prosecution is that on 17.10.2025, while the informant was travelling on her Activa scooter, the appellant approached from behind in a Scorpio vehicle bearing No. MH-40-CV-3094, which he was allegedly driving in a zig-zag manner. It is further alleged that the appellant overtook the informant’s scooter and deliberately dashed it, resulting in the informant falling to the ground and sustaining minor injuries. On the basis of this oral report, the present FIR came to be registered.

7. Learned counsel for the appellant submits that the FIR, on its plain reading, does not disclose that the informant was targeted on account of her caste, which is a sine qua non for attracting Section 3(2)(v) of the Atrocities Act. He submits that the FIR is lodged out of vendetta, as there exists another FIR bearing No. 1051 of 2024 under Sections 3(1)(w)(i), 3(1)(w)(ii), and

3(2)(va) of the Atrocities Act, in which the appellant has already sought anticipatory bail. It is further submitted that on the same day, the father and uncle of the appellant lodged a complaint at Kalmeshwar Police Station alleging threats extended by the informant, which indicates that the present FIR is retaliatory in nature. The learned counsel contends that although the informant alleges that the Scorpio vehicle dashed the scooter, the Aactiva does not bear any damage marks. According to him, there is nothing in the FIR to indicate that the appellant acted on account of the informant's caste, and the allegations themselves appear to be motivated by personal vengeance; therefore, invocation of the provisions of the Atrocities Act is wholly misconceived.

8. On the other hand, learned Additional Public Prosecutor submits that the appellant, after consuming liquor, drove the Scorpio in a reckless zig-zag manner and deliberately hit the informant's vehicle due to pre-existing enmity. He places reliance on the statement of witness Pramod Dongre, who has stated that the appellant was under the influence of alcohol immediately prior to the incident, and therefore opposes the grant of ad-interim relief.

9. Upon considering the rival submissions and perusing the material on record, it emerges that the incident pertains to a single dash to the informant's Aactiva scooter, resulting in minor injuries. On the face of the record, it cannot be inferred that the act was committed with the intention to cause death or with knowledge of likely causing death, and therefore, *prima facie*, the ingredients of Section 109 of the BNS Act, 2023 do not appear to be attracted. Further, a careful reading of the FIR does not indicate that the alleged act was committed by the appellant on the ground that the informant belongs to a particular Caste. In the absence of any material suggesting caste-based targeting, the essential requirements for invoking Section 3(2)(v) of the Atrocities Act are not satisfied. In view of the above *prima facie* assessment, this Court is of the considered view that the appellant has made out a case for grant of ad-interim anticipatory bail. Accordingly, the following order is passed:

[i] It is directed that in the event of arrest of the appellant - Sandeep S/o Sanjay Kunte in connection with Crime No. 913 of 2025 registered with Police Station Kalmeshwar Police Station for offences

punishable under Section 3(2)(v) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 109 of the Bharatiya Nyaya Sanhita, 2023, he be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one surety in the like amount.

[ii] The appellant shall not in any way tamper with the prosecution evidence.

[iii] The appellant shall not pressurize or threaten the prosecution witnesses.

[iv] The appellant shall attend the concerned police station as and when called by the police.

[v] The appellant shall co-operate the investigating officer.

[vi] The protection shall remain in force till next date.

[NIVEDITA P. MEHTA, J.]