



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

CRIMINAL APPEAL NO. 953 OF 2025

1. Yogitabai W/o Vinod Patil
Age: 40 years, Occ. Labour
2. Vinod S/o Bhagwat Patil,
Age: 45 years, Occ. Agriculturist
3. Bhushan S/o Vinod Patil,
Age: 21 years, Occ. Education
4. Yogesh S/o Vinod Patil
Age: 18 years, Occ. Education,

All R/o. Manjardi, Tal. Amalner,
Dist. Jalgaon

... APPELLANTS
(Accused Nos. 1 to 4)

VERSUS

1. The State of Maharashtra
Through Police Inspector,
Amalner Police Station, Amalner,
Dist. Jalna
2. The Supt. Of Police,
Jalgaon, Dist. Jalgaon
3. Smt. Sarlabai W/o Namdeo Bagul
Age: 40 years, Occ. Labour,
R/o. Manjardi, Tal. Amalner,
Dist. Jalgaon

... RESPONDENTS
(R-3 is informant)

....
Mr. B. R. Warma, Advocate for the Appellants
Mr. V. M. Chate, APP for Respondent Nos. 1 and 2
Mr. S. T. Mahajan, Advocate for Respondent No.3

....

CORAM : Y. G. KHOBRAGADE, J.

RESERVED ON : February 04, 2026
PRONOUNCED ON : February 12, 2026

JUDGMENT :-

1. Heard Mr. Warma, the learned counsel for the appellants, Mr. Chate, the learned APP for respondent Nos. 1 and 2 and Mr. Mahajan, the learned counsel for respondent No.3 / informant.

2. By the present appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the appellants/accused takes exception to the order dated 10.12.2025, passed by the learned Special Judge, Amalner. By the impugned order, the learned Special Judge, Amalner declined to enlarge the appellants/accused on anticipatory bail in connection with Crime No.494 of 2025, registered with Amalner Police Station, District Jalgaon, on 25.11.2025, for the offence punishable under Sections 309(4), 115(2), 296, 351(2), 352, 3(5) of the Bharatiya Nyaya Sanhita and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Having regard to submissions canvassed on behalf of the respective parties, I have gone through the record. It is a matter of record that, on 25.11.2025, respondent No.3 / informant lodged an oral report alleging that, she is residing with her husband and son. She is doing labour work. She belongs to Scheduled Caste. Accused No.1 Yogitabai w/o Vinod Patil, 2 Vinod Bhagwat Patil, 3 Bhushan Vinod Patil and Yogesh Vinod Patil, are residing in front of her house. The appellant No.1 / accused No.1 is the member of Grampanchayat. All the accused are well aware that she belongs to Scheduled Caste community. On 12.11.2025 at about 5.00 p.m., she was shouting her son Raj Bagul on account of leakage of water tap and she told her son as to why he did not notice leakage of water tap. At that time, the accused No.1 Yogita Patil, her husband accused No.2 Vinod Patil and both of their sons who were fetching water from said tap and accused No.1 doubted that, the informant taunting her, therefore, all the accused persons abused her in filthy language. Accused No.2 Vinod abused her on her caste by saying that, “चांभारीन रांड तुला जास्त झाले आहे”. Thereafter, all the accused persons rushed to her person and assaulted her with fist and blows. When her husband and son rushed

to save her, all the accused persons abused the informant, her husband and son.

4. The Informant/Respondent no. 3 alleged that, all the accused persons were asking her informant and her family members that “*Cobbler, vacate the house and leave it (चाभट्या हे घर खाली कर)*” and issued threat. At that time, the other persons from the said lane i.e. Vivek Sudam Gosavi, Ganesh Khandu Shevale, intervened and separated the appellants and the victim / informant. Her husband Namdev Bagul sustained invisible injuries to his leg, therefore, he was hospitalized. On the basis of said oral report, Crime No.494 of 2025 registered with Amalner Police Station on 25.11.2025, for the offence punishable under Sections 309(4), 115(2), 296, 351(2), 352, 3(5) of the Bharatiya Nyaya Sanhita and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. The learned counsel appearing for the appellants canvassed that, the alleged incident was occurred on 12.11.2025, however, the F.I.R. No.0294 of 2025 registered on 25.11.2025 i.e. after lapse of 13 days period and no explanation has been given about

lodging the delayed report in the F.I.R. Therefore, the Respondent no. 3 lodged the false report after thought and on the basis of said report false FIR registered against the appellant accused and all the appellants/accused are falsely implicated in the crime. Therefore, the appellants have made out *prima-facie* case to release them on anticipatory bail during pendency of trial in the said crime.

6. It is further canvassed that, the appellant No.1 lodged a report on 12.11.2025 against respondent No.3 in respect of incident occurred on 12.11.2025 at about 5.00 p.m. about abusement in filthy language and issuing life threat, however, the Police Authorities registered N.C. Report No.1176 of 2025 against respondent No.3 for the offence under Section 351(2) and 352 of B.N.S. 2023. However, the Police Authorities registered Crime No. 494 of 2025 against the present appellants on the basis false report lodged by the respondent No.3 on 25.11.2025 after 13 days. The FIR nothing but the counter N.C. report lodged by the appellant No.1/ accused.

7. It is further canvassed that, appellant No.1 is a sitting member of the village panchayat, appellant No.2 is an agriculturist, and appellant Nos. 3 and 4 are College-going students. The alleged

incident narrated in the F.I.R. never occurred. The informant / Respondent No. 3 and the appellants/accused reside opposite each other in the same locality. For the past several years, the relations between the family members of the appellants and Respondent No. 3 have been cordial, and no controversy has arisen. However, on the day of incident Respondent No.3 abused and threatened Appellant No.1 by cursing her failure as a member of the village panchayat. Therefore, considering the entire scenario, it does not demonstrate about occurrence of such incident and mere allegations of robbery is not sufficient for committal of the crime. However, on 12.12.2025, the learned Special Judge, Amalner, passed the impugned and rejected the application for pre-arrest bail without considering material available on record. Therefore, prayed to quash and set aside the impugned order and prayed for releasing the appellants on anticipatory bail.

8. The learned counsel for the appellants further canvassed that, there are no allegations of atrocities as against appellant Nos. 3 and 4, who are college going students and the appellant Nos. 1 and 2 are falsely implicated, because on 12.11.2025, the appellant No.1 lodged N.C. report by against respondent No.3.

9. The learned counsel for the appellants further canvassed that on 16.12.2025, this Court granted ad-interim anticipatory bail and released the appellants/accused on execution of P.B. and S.B. with a rider that the appellants shall cooperate with the investigating Officer. Accordingly, the appellants have furnished bail bond and cooperated with the Investigating Officer. After the investigation is over, the charge-sheet has been filed on 19.01.2026, which came to be registered as Special Case No.8 of 2026. Therefore, custody of the appellants/accused is not required and no bar is created u/s 18 of SC ST Atrocities to enlarge the appellants/accused on bail under Section 438 of Cr.P.C..

10. To buttress these submissions, the learned counsel for the appellants placed reliance on the case of ***Shajan Skaria Vs. State of Kerala and another, 2024 SCC OnLine SC 2249***, wherein, the Hon'ble Supreme Court considered the following issues:-

- “a. Whether Section 18 of the Act, 1989 imposes an absolute bar on the grant of anticipatory bail in cases registered under the said Act?
- b. When can it be said that a *prima facie* case is made out in a given FIR / complaint?

- c. Whether the averments in the FIR/complaint in question disclose commission of any offence under Section 3(1)(r) of the Act, 1989?
- d. Whether any offence under Section 3(1)(u) of the Act, 1989 could be said to have been *prima facie* made out in the FIR/complaint in question?
- e. Whether mere knowledge of the caste identity of the complainant is sufficient to attract the offence under Section 3(1)(r) of the Act, 1989?"

11. While answering the above issues (a to e), the Hon'ble Apex Court held that, the offence under Section 3(1)(r) of the Act is not established merely on the fact that the complainant is a member of Scheduled Caste or Scheduled Tribe, unless there is an intention to humiliate such a member for the reason that he belongs to such community. In other words, it is not the purport of the Act, 1989 that every act of intentional insult or intimidation meted by a person who is not a member of a Scheduled Caste or Scheduled Tribe to a person who belongs to a Scheduled Caste or Scheduled Tribe would attract Section 3(1)(r) of the Act, 1989 merely because it is committed against a person who happens to be a member of a Scheduled Caste or Scheduled Tribe. On the contrary, Section 3(1)(r) of the Act, 1989 is attracted where the reason for the intentional insult or intimidation is that the person who is subjected to it belongs to a Scheduled Caste or Scheduled Tribe.

12. The Hon'ble Supreme Court further held that for constituting an offence under Section 3(1)(u) of the Act 1989, it is necessary that :-

- a. Accused should not be a member of the Schedule Caste or Scheduled Tribe;
- b. Accused should by words, either written or spoken, or by signs or by visible representation or otherwise;
- c. Promote or attempt to promote feelings of enmity, hatred or ill-will against members of the Scheduled Caste or the Scheduled Tribes.

13. In view of above, it appears that the Court required to undertake an exercise to find out whether there was a substance in the allegations in the F.I.R. about making out the *prima facie* case.

14. Per contra, the learned APP and the learned counsel for respondent No.3, supported the findings recorded by the learned Special Judge while passing the impugned order in Criminal Bail Application No.310 of 2025. The learned AP canvassed that, as per the contents of F.I.R., the appellants / accused and respondent No.3 / informant are residing in front of each other in the same lane of village Manjardi, Taluka Amalner, District Jalgaon. The incident

occurred on 12.11.2025 at 5.00 p.m. at the public tap when the informant / respondent No.3 and the accused were fetching water. Appellant No.2 alleged to have abused the informant by uttering the words “चांभारीन रांड तुला जास्त झाले आहे” and assaulted her with fist and blows. When the husband the and son of the Respondent no.3 rushed to save her at that time, all the accused persons abused on their caste. Therefore, said incident occurred at the public place and within the public view. Further, the witnesses i.e. Vivek Sudam Gosavi, Ganesh Khandu Shevale, intervened and separated the appellants / accused and the informant. Therefore, intention of all the appellants / accused suggests to humiliate the member of Scheduled Caste community at the public place in the public view and *prima facie* committed an offence u/s 3 of the SC/ST Atrocities Act, 1989. Therefore, the appellants/accused are not entitled for anticipatory bail.

15. The learned counsel for respondent No.3 canvassed that, the Investigating Officer has filed charge-sheet in respect of the offence under Section 3(1)(r), 3(2)(va) of the Act, 1989, however, but Section 18 of the Act, creates a bar under Section 482 of the B.N.S.S. (old 438 of Cr.P.C.) to enlarge the appellant/accused on

anticipatory bail. Further, merely the I. O. filed charge sheet against the appellant it does not lift the bar u/s 18 of the Act. Therefore, the appellants are not entitled for anticipatory bail.

16. In support of these submissions the learned counsel for respondent No.3 has placed reliance on the case of *Kiran Vs. Rajkumar Jivraj Jain and Ors, AIR 2025 SC 4083*, wherein, in paragraph No.6, the Hon'ble Supreme Court has observed thus:-

“6. In light of the parameters in relation to the applicability of Section 18 of the Act emanating from afore-discussed various decisions of this Court, the proposition could be summarised that as the provision of Section 18 of the Scheduled Caste and Scheduled Tribes, Act, 1989 with express language excludes the applicability of Section 438, Cr.PC, it creates a bar against grant of anticipatory bail in absolute terms in relations to the arrest of a person who faces specific accusations of having committed the offence under the Scheduled Caste and Scheduled Tribe Act. The benefit of anticipatory bail for such an accused is taken off.

*6.1. The absolute nature of bar, however, could be read and has to be applied with a rider. In a given case where on the face of it the offence under Section 3 of the Act is found to have not been made out and that the accusations relating to the commission of such offence are devoid of *prima facie* merits, the Court has a room to exercise the discretion to grant anticipatory bail to the accused under Section 438 of the Code.*

*6.2. Non-making of *prima facie* case about the commission of offence is perceived to be such a situation where the Court can*

arrive at such a conclusion in the first blush itself or by way of the first impression upon very reading of the averments in the FIR. The contents and the allegations in the FIR would be decisive in this regard. Furthermore, in reaching a conclusion as to whether a prima facie offence is made out or not, it would not be permissible for the Court to travel into the evidentiary realm or to consider other materials, nor the Court could advert to conduct a mini trial.”

17. In the case in hand, it *prima facie* appears that on 12.11.2025, at about 5:00 p.m., accused No. 2 abused the informant/respondent No. 3 by making remarks on her caste and character by saying that, “चांभारीन रांड तुला जास्त झाले आहे”. All the accused persons abused the informant/Respondent No. 3 and her family members by saying that “*Cobbler, vacate the house and leave it* (चांभट्या हे घर खाली कर)” and issued threat. The informant/respondent No. 3 is a member of the Scheduled Caste community and this fact is well within the knowledge of the accused persons. The Accused are not members of SC ST Community. The incident of abusement in caste occurred at a public place and within public view, with an intention to humiliate respondent No. 3. Therefore, in my considered view, the offence under Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the SC/ST Act, *prima facie* attracts.

18. In the case of *Karuppudayar Vs. State Rep. By The Deputy Superintendent of Police & Ors, 2025(2) CGLJ 316*, the Hon'ble Supreme Court held that if the offence under the Atrocities Act occurred within the four-corner of the house, it do not *prima facie* constitute an offence either under Section 3(1)(r) or under Section 3(1)(s) of the SC/ST Act.

19. In the case of *Kiran Vs. Rajkumar* cited (supra), it has been held that Section 18 of the SC/ST Act 1989, exclude the applicability of Section 438 of Cr.P.C., it creates a bar against grant of anticipatory bail in absolute terms in relation to arrest of a person who faces specific accusation having committed the offence under the SC/ST Atrocities Act within the public view.

20. On perusal of the charge-sheet as well as the F.I.R. dated 25.11.2025, it appears that, the incident of uttering in casteist language as well as on the character of respondent No.3 / informant at the public place within the public view by saying “चांभारीन रांड तुला जास्त झाले आहे”. Therefore, intention of the accused No.2 appears about insulting the respondent No.3 in the public view, attracts the provisions of Section 3(1)(r), 3(1)(s), 3(2)(va).

21. After going through the spot panchanama it appears that the incident was occurred at the public tap in front of the house of respondent No.3/informant. No doubt, on 05.01.2026, the Investigating Officer recorded the statement of Shri Namdev Bagul, the husband of respondent No.3, wherein he stated about abusement by accused Nos. 1 and 2. However, there is no statement that the appellant/accused Nos. 3 and 4 abused the informant on her caste. The statements of other witnesses are supporting story of the informant. As statement of witness Ananda Devram Wadar, on 13.11.2025, he repaired the public tap and water leakage stopped. The witness Sonu Azad Bhill stated that, on 12.11.2025, the informant/respondent No.3 was abusing the appellant No.1 in filthy language and the appellant No.2 was giving understanding to the informant, but her husband abused him in filthy language. Therefore, it appears about occurrence of incident in the public view. However, there is no allegations about abusement on castiest language to the respondent No.3 / informant at the hands of appellant Nos. 3 and 4. Therefore, I am on the view that appellant Nos. 1 and 2 are not entitled for anticipatory bail in Crime No.494 of 2025. However, no *prima facie* offence under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, established as against appellant Nos. 3 and 4.

22. On 10.12.2025, the learned Special Court passed the impugned order and declined to grant anticipatory bail to the appellants. Needless to say that, the offence under the Atrocities Act *prima facie* appears to establish as against appellant Nos. 1 and 2, but it does not establish against appellant Nos. 3 and 4. Therefore, the impugned order needs to be quashed and set aside to the extent of appellant Nos. 3 and 4.

23. On 16.12.2025, this Court passed the order and enlarged the accused Nos. 1 to 4 on anticipatory bail. Since, offence under the Atrocities Act *prima facie* appears to establish as against appellant Nos. 1 and 2, but it does not establish against appellant Nos. 3 and 4, therefore, interim order granted by this Court to the extent of appellant Nos. 1 and 2 needs to be recalled. However, the said interim order can be extended to the extent of appellant Nos. 3 and 4.

24. In view of above discussion, I proceed to pass the following order:-

ORDER

- (i) The appeal is partly allowed.
- (ii) The appeal in respect of appellant Nos. 1 and 2 is hereby dismissed. Both the appellants shall surrender before the Investigating Officer within a period of two weeks from today.
- (iii) The appeal in respect of appellant Nos. 3 and 4 are hereby allowed. The impugned order dated 10.12.2025, passed by the learned Additional Sessions Judge / Special Court, below Exh.1 in Criminal Bail Application No.310 of 2025 is hereby quashed and set aside to the extent of appellant Nos. 3 and 4.
- (iv) Appellant Nos. 3 and 4 are already released on ad-interim anticipatory bail vide order dated 16.12.2025 on execution of P.B. and S.B. of Rs.25,000/- each. Therefore, the said interim protection is hereby extended during pendency of the trial on the same terms and conditions.
- (v) Since, the Investigating Officer has filed the charge-sheet against the appellants / accused, therefore, there is no need to attend the concerned Police Station by respondent Nos. 3 and 4.
- (vi) Accordingly, the appeal is disposed off.

[Y. G. KHOBRAGADE, J.]