

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

**CRIMINAL APPEAL NO.710 OF 2022**

Raju Nilkanth Sable,  
Aged about 45 years, Occ. Agriculturist,  
R/o Khandala, Tq. Arni, Dist. Yavatmal. .... Appellant

**// VERSUS //**

1. State of Maharashtra,  
Through P.S.O., P.S. Arni, Tq. Arni,  
Dist. Yavatmal.
2. XYZ, through complainant/informant  
Police Station, Arni Dist. Yavatmal,  
Crime No.858/2022. ... Respondents

Shri S.G. Varshani, Advocate for the appellant.  
Shri S.D. Sirpurkar, A.P.P. for the respondent/State.

**CORAM : ANIL S. KILOR, J.**  
**DATED : 29 NOVEMBER, 2022.**

**ORAL JUDGMENT**

1. Heard Shri Varshani, learned counsel for the appellant and Shri S.D. Sirpurkar, learned APP for the respondent/State.

2. **ADMIT.**

3. This is an appeal arising out of the order below Exh.01, dated 14.10.2022 passed by the learned Special Judge, Darha in Cri.Bail

Application No.183/2022, rejecting the pre-arrest bail application of the appellant.

4. The allegation in the First Information Report (FIR) are that the applicant stopped the informant in the way while she was going back to her home from her field and he embarrassed her and when she tried to escape, she felled down and got injured.

5. After considering the contents of the FIR and taking it on its face value, *prima facie* no offence attracts under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act,1989 (hereinafter referred as “the Atrocities Act”).

6. The informant belongs to Schedule Caste. However, it is not sufficient unless the per-requisite to attract the provisions of the said act are present to invoke the provisions of the Atrocities Act.

7. It is not the case of the informant that the appellant committed the said act because the informant belongs to Schedule Caste community

and the intention of the applicant was to humiliate or insult the informant.

8. In the circumstances, the bar under Section 18 of the Atrocities Act would not come in way of the applicant in this case. Further, considering the nature of allegation and after going through the case diary, I am of the opinion that custodial interrogation of the applicant is not necessary. In the circumstances, though the learned APP is opposing the present application, I am of the opinion that the applicant is entitled for grant of anticipatory bail. Accordingly, I pass the following order:

- a) The appeal is **allowed**.
- b) Order dated 14.10.2022 passed by the learned Special Judge, Darwha is hereby quashed and set aside.
- c) It is directed that in the event of arrest of the applicant in Crime No.858 of 2022, registered with Police Station: Arni, District: Yavatmal, for the offences punishable under Sections 354-A, 323 of the Indian Penal Code and Sections 3(2)(va), 3(1)(w) (i) of the Scheduled Castes and Schedules Tribes

(Prevention of Atrocities) Act, the appellant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount

The appeal is **disposed of** accordingly.

**ANIL S. KILOR, J.]**