

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 1126 OF 2024**

Sunil Dongre

... **Appellant**

**Versus**

The State of Maharashtra And Ors

... **Respondents**

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**Mr. Rajendra Shirodkar**, *Sr. Advocate a/w Mr. Darshan Zagade for the Appellant.*

**Ms. Shilpa G. Talhar**, *APP for the Respondent No.1-State.*

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**CORAM : SANDEEP V. MARNE, J.**

**DATE : 22 OCTOBER 2024.**

**P.C. :**

1) This is an Appeal filed under provisions of Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (**SC & ST Act**) challenging the Order dated 28 August 2024 passed by the Additional Sessions Judge, Sessions Court, Mumbai allowing the application preferred by Respondent Nos. 2 and 3 and granting Anticipatory Bail.

2) The Appeal is filed for cancellation of Anticipatory Bail granted in favour of Respondent Nos. 2 and 3.

3) I have heard Mr. Shirodkar, the learned senior advocate appearing for the Appellant and have considered the submissions canvassed by him. He would submit that all the ingredients of offences under Sections 3(1)(r) and 3(1)(s) of SC & SC Act are clearly made out in the present case. That the FIR statement clearly reflects intentional humiliation of the Complainant as well as of Shri. Ramji Gautam with reference to their caste as well as abusing them by caste name. He would submit that both the acts of intentional humiliation as well as abusing have taken place in public view. He has contended that since ingredients of offences under Sections 3(1)(r) and 3(1)(s) are made out, bar under provisions of Sections 18 and 18-A of the SC & ST Act would clearly kick in and in that view of the matter, the learned Sessions Judge has erred in allowing the application for anticipatory bail filed by Respondent Nos. 2 and 3.

4) Perusal of the Order passed by the learned Sessions Judge would indicate recording of following findings for arriving at a conclusion that the bar under provisions of Sections 18 and 18-A of the SC & ST Act is not attracted in the present case. :

"Upon gone through the statements of trio scheduled caste members would reveal their alleged grievance in regard to abusing on caste are contrary, contradictory and varied rather the allegations raised in FIR. They have not stated that due to alleged casteist word they are humiliated insulted or intimidated by any manner. Furthermore, the alleged two members of said meeting declined about the occurrence of alleged incident. The other two witnesses who are not members of scheduled caste or scheduled tribe has not categorically deposed about the occurrence of alleged crime under the Said Act. Further cautiously considered the allegations levelled in FIR which is most materially important wherein contended that both the applicants simultaneously slapped to the said member of parliament Ramji Gautam have simultaneously as well as while removing them they

simultaneously used slogans as, "या महारांच्या चांभारांच्या पार्टी मध्ये कोण काम करेल". By such material allegations it reveals certainly the same are vague ambiguous impossible unclear and *prima-facie* concocted in natures. Further considering that if the alleged used abusive casteist word is true, however, by that no any abusive casteist word would reflect in view of intentional intimidating insulting humiliating to any else. Three scheduled castes members of whom recorded statements by 10 does not clarifying about their insult humiliation intimidation by any manner. Thus, in such eventualities though for the sake of arguments it assumes the alleged incident occurred and applicants are responsible for the alleged slogans, however, by which no any offence would made out or constituted under the Said Act by any manner. In the circumstances it is my humble view and opinion that bar prescribed under sections 18 and 18-A of the Said Act certainly would not apply attracted in view of considering the raised pre-arrest bail plea by the applicants."

5) In addition to the above findings recorded by the learned Special Judge, the allegations in the FIR statement do not *prima facie* indicate that the utterances allegedly made by Respondent Nos. 2 and 3 have caused any humiliation to a particular member of Scheduled Caste. The allegation in the FIR statement is that Respondent Nos. 2 and 3 shouted following slogans :

"या महारांच्या, चांभारांच्या पार्टी मध्ये कोण काम करेल".

6) There is nothing to indicate in the FIR statement that the Respondent Nos. 3 and 4 abused either the Complainant or Shri. Ramji Gautam with reference to their caste. The slogans shouted by them is against members of the entire party. It therefore becomes difficult to accept at this stage that the offences under provisions of Sections 3(1) (r) and 3(1)(s) of the SC & ST Act could *prima facie* be made out.

7) Considering the findings recorded by the learned Judge so also the observations made above. I am of the view that the bar under Provision of Sections 18 and 18-A of the SC & ST Act is not attracted in the present case. No perversity is found in the order passed by the learned Judge. The Appeal is accordingly **rejected**.

**[SANDEEP V. MARNE, J.]**