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

**CRIMINAL APPEAL NO.378 OF 2024**

1. Vaibhav @ Balu Vijay Anasane,  
Aged about : 29 Years,  
Occupation : Labour, (Original Accused No.2)
  2. Suresh Wasudev Anasane,  
Aged about : 74 Years, (Original Accused No.4)  
Occupation: Labour,  
Both R/o. At Post Aidlpur,  
Taluka Akot, District Akola
- ..... APPELLANTS**

**// VERSUS //**

1. State of Maharashtra,  
Through Police Station Officer,  
Hiwarkhed Police Station,  
Taluka Telhara, District Akola.
  2. Sau Sima W/o Suresh Bagde,  
Aged about : 35 Years, (Original Complainant)  
Occupation: Labour,  
R/o At Post Chorvad,  
Taluka Akot, District Akola.
- .... RESPONDENTS**

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Mr. B. K. Suchak, Counsel along with V. D. Ruparelia Counsel  
for the appellants.  
Mr. K. R. Lule, APP for respondent No.1/State.  
Mr. D. D. Chourgade, Counsel for the respondent No.2.  
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**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 27.09.2024**

**ORAL JUDGMENT :**

1. Heard.

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2. **Admit.**

3. By preferring this appeal, the appellants have challenged the order passed by the learned Special Court and Additional Sessions Judge, Akot by which the anticipatory bail application of the present appellants is rejected.

4. The appellants are apprehending arrest at the hands of police as crime is registered on the basis of report lodged by Seema Suresh Bagade alleging that there was a dispute between the present appellants and her husband on account of political rivalry. Her husband has contested the Grampanchyat election and therefore, the dispute arose between them. On 20.06.2024 the co-accused Amol called them in front of the Grampanchayat office and abused them on their caste. It is further alleged that the appellant No.2 has pulled her saree and outraged her modesty and appellant No.1 has caught hold the collar of her husband. On the basis of said report, police have registered the crime against the present appellants under Section 354, 354-A, 354-B, 324 and 506 of the Indian Penal Code and under Sections 3(2), 3(2)(va), 3(1)(r), 3(1)(s) and 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the Act of 1989').

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5. After registration of the crime, the appellants approached the learned Special Court for grant of anticipatory bail which was rejected by the learned Special Special Court, hence this appeal.

6. Heard learned Counsel for the appellants. He submitted that as far as both the appellants are concerned, they are implicated in the alleged offence due to the political rivalry. As far as the allegations to attract the Atrocities Act are concerned, which are against the co-accused and not against the present appellants. He submitted that considering the custodial interrogation of the present appellants is not required. They be protected by granting anticipatory bail. He submitted that as there is no allegation against the present appellants regarding the abuses on the caste to the informant or her family members, bar under Section 18 of the Act of 1989 is not attracted.

7. Learned APP and learned Counsel for the complainant – respondent No.2 strongly opposed the said appeal on the ground that there is a bar under Section 18 of the Act of 1989.

8. After hearing the learned Counsel for the appellants and learned APP for the State, perused the recitals of the FIR from which it reveals that only allegation against the appellant No.1 is that he has caught hold the collar of the husband of the informant. As far as the appellant No.2 is concerned, the allegation is to the

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extent that he touched the saree of the informant. Regarding the abuses on the caste is concerned, it is against the co-accused. Considering that neither there is allegation against the present appellants regarding abuses on the caste nor they have referred the caste of the informant. The allegations which attracts the provision of the Atrocities Act against the co-accused. There is no statement also to the effect that the appellants were knowing she belongs to the Scheduled Caste or Scheduled Tribe. Thus, considering the facts that the custodial interrogation of the present appellants is not required. Moreover, there is no allegation that they have abused the informant on her caste, and therefore, bar under Section 18 of the Act of 1989 is not attracted, considering the allegations against them. In view of that, the appeal deserves to be allowed. Accordingly, I proceed to pass following order:

**ORDER**

- (i) The appeal is allowed.
- (ii) In the event of arrest, in connection with Crime No.223/2024 registered with Police Station, Hiwarkhed, District Akola for the offences punishable under Sections 354, 354-A, 354-B, 324 and 506 of the Indian Penal Code and under Sections 3(2), 3(2)(va), 3(1)(r), 3(1)(s), 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant No.(1) **Vaibhav @ Balu Vijay Anasane** and appellant No.(2) **Suresh Wasudev Anasane**, shall be released on anticipatory bail on executing PR bond in the sum of Rs.25,000/- each with one solvent surety of the like amount.

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(iii) The appellants shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iv) The appellants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

**(URMILA JOSHI-PHALKE, J.)**

Sarkate.