



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 CRIMINAL APPEAL NO. 84 OF 2025

VISHNU GANPAT GORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. Krushna Solanke h/f. S.J. Naik
APP for Respondents/State : Ms. Ashlesha S. Deshmukh
Advocate for Respondent No.3 : Ms.Nima Suryawanshi (Appointed)
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CORAM : Y.G. KHOBRAGADE, J.
DATE : 27.02.2025

PC.:-

1. Heard at length, Mr. Krushna Solanke, h/f. S.J. Naik, the learned counsel for the appellant; Ms. Nima Suryawanshi, the learned counsel appearing for Respondent No.3; and the learned APP for Respondent Nos.1 and 2.
2. By the present appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, the SC/ST Act), the appellant/accused prays to quash and set aside the order dated 23.01.2025, passed by the Special Court under the Atrocities Act, Majalgaon, in Criminal Bail Application No.425/2024. The Appellant/accused further prays for anticipatory bail in Crime No.513/2024, registered with

Majalgaon City Police Station on 20.08.2024, for offences punishable under Sections 351(2) and 132 of Bharatiya Nyaya Sanhita, 2023, and under Sections 3(2)(va), 3(1)(s) and 3(1)(r) of SC/ST Act.

3. It is a matter of record that, on 20.08.2024, Informant/ Respondent No.3 lodged a report with Majalgaon City Police Station, alleging that he is working as an Assistant Revenue Officer with Tehsil office, Majalgaon, and is assigned the work under the Sanjay Gandhi Niradhar Yojana. On the day of incident at about 1.45 hours, the Appellant/accused who is tout for beneficiary persons visited him and abused in filthy language on the ground that, he is not doing work of needy families and abused him in his caste. The place of the incident is certainly a public office, but it does not appear that the incident occurred in public view. The Respondent No.3 has not stated in his report that the Appellant/accused belongs to higher caste and he does not fall within the ambit of SC-ST category. The FIR appears to be silent on the motive. Therefore, considering law laid down in recent Judgment delivered on 31.01.2025, by the Hon'ble Supreme Court in Special Leave Petition (Criminal) No.8778 – 8779 of 2024, (*Karuppudayar Vs. State Rep. By the Deputy Superintendent of Police, Lalgudi Trichy & Ors.*) as well as considering the nature of offence, it would be just and proper to enlarge the accused on anticipatory bail during the pendency of trial. In

view of above, I am inclined to grant present appeal and proceed to pass the following order:

ORDER:

- i) Appeal No.84/2025 is hereby allowed.
- ii) The impugned order dated 23.01.2025 passed by the learned Special Court (Atrocities Act), Majalgaon in Criminal Bail Application No.425/2024 is hereby quashed and set aside.
- iii) In the event of the arrest of Appellant/accused, Vishnu Ganpat Gore shall be released on bail on execution of a PR bond of Rs.50,000/- with two solvent sureties in the like amount, in connection with Crime No.513/2024, registered with Majalgaon City Police Station for offences punishable under Sections 351(2) and 132 of Bharatiya Nyaya Sanhita, 2023, and under Sections 3(2)(va), 3(1)(s) and 3(1)(r) of SC/ST Act.
- iv) The Appellant/accused shall attend the concerned police station every Monday and Thursday between 11.00 AM and 3.00 PM until the filing of the charge-sheet.
- v) The Appellant/accused shall not issue threat to the witness and he shall not tamper with the prosecution evidence as well as he shall not pressurize the witnesses.
- vi) Fees of the appointed counsel is quantified @ Rs.5,000/- and it is to be paid through the High Court Legal Aid Services Authority.

[Y.G. KHOBRADE, J.]