



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

CRIMINAL APPEAL NO.826 OF 2025

**KRUTIK RADHESHAM VAISHNAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Shri Vinod I. Thole a/w Shri Vinayak K. Jaybhaye, Advocates for
the appellant.

Shri C.V. Bhadane, APP for respondent No.1/ State.

Shri Datta A. Madake, advocate for respondent No.2.

Shri Sanjay D. Hiwrekar, Advocate for respondent No.2,
appointed through legal aid, however, discharged today.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 02 December 2025

P. C. :-

1. By this appeal filed under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant, who is lawyer by profession and aged about 32 years, prays for grant of anticipatory bail in connection with FIR bearing Crime No.0263/2025 registered on 27.09.2025 with Kranti Chowk Police Station, Chhatrapati Sambhajnagar, for offences punishable under Sections 351(4), 352, 74 and 75(1)(ii) of the Bharatiya Nyay Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) and 3(1)(w)(ii) of the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Atrocities Act').

2. The said FIR was lodged by respondent No.2/ informant on 27.09.2025 alleging therein that she is 22 years old girl belonging to Scheduled Caste category and prosecuting her studies of post graduation in Anesthesia at Parul University, Vadodara, State of Gujarat. In 2020-2021, when she was studying in 12th standard at Chhatrapati Sambhajanagar, she came in contact with the appellant in October 2020 and thereafter, they became friend and their relationship developed further. It is alleged that on 10.05.2025, the appellant sent message on whatsapp and asked respondent No.2/ victim to come to meet him at M.P. Law College. Accordingly, on next day i.e. on 11.05.2025, respondent No.2 along with her cousin Komal met the appellant at the said college ground. At the time of said meeting, along with the appellant, his cousin Vivek and one unknown girl were present. At that time, the appellant is alleged to have proposed respondent No.2/ victim by saying that he loves her. However, the victim straightaway told him that she wants to pursue further education and if her family members came to

know about such thing, then, they would stop her further education. But, the appellant was not in position to listen her and being fed up with the attitude of the appellant, the victim started leaving the spot. At that time, the appellant pulled her by holding her hand and told that he loves her, he wants to do physical intercourse with her and also wants to live together by marrying with her. Thereafter, the victim is alleged to have rescued herself from clutches of the appellant. At that time, the appellant abused the victim in the name of her caste by saying that the lower caste people like the victim behave in such fashion and though the victim belongs to lower caste and is not deserving, still he wants to marry with her and the victim is unnecessary avoiding him. Thereafter, the victim and her cousin were alleged to have left the spot and they returned home, however, they did not disclose this incident to anyone.

It is further alleged that thereafter again the appellant started messaging the victim on whatsapp and therefore, the victim is alleged to have blocked his contact. Due to harassment being caused at the hands of the appellant, the victim took admission in the State of Gujarat. However, on

24.08.2025, when the victim was at hostel, she received whatsapp calls from unknown mobile numbers xxxxxx6619 and xxxxxx7784 and when she received those calls, she recognized the voice of the appellant and therefore, she disconnected those calls. Thereafter, the appellant has sent filthy and obscene messages on whatsapp from xxxxxx7784 and therefore, the victim blocked that number. Thereafter, the victim started receiving filthy and obscene whatsapp messages from other mobile numbers, namely, xxxxxx8388 and xxxxxx6489. The language in those whatsapp messages is similar to the language of the appellant and, therefore, the victim also blocked those numbers. However, the appellant started giving threats from landline telephone from Pune and therefore, fed up with such threats, the victim came back to her parental house from hostel. When the victim came to her house at Gangapur, she came to know that the appellant has also sent filthy and obscene messages on mobile phones of her parents. Finally, respondent No.2/ victim lodged the aforesaid FIR, which came to be registered on 27.09.2025 with Kranti Chowk Police Station.

3. Apprehending arrest, the appellant initially

approached the learned Special Judge (SC & ST (POA) Act), Aurangabad, for seeking anticipatory bail, by filing Criminal Bail Application No.2111/2025. However, the said application came to be rejected vide the order dated 17.10.2025. Hence, the appellant has filed this appeal for grant of anticipatory bail. By interim order dated 04.11.2025, this Court had granted interim protection to the appellant. Today, the learned advocates for the parties are heard finally.

4. Learned advocate for the appellant submits that the allegations made in the FIR suggest no *prima facie* offence under the Atrocities Act. The contents of the FIR reveal that there was love affair between the appellant and the victim and they were dating with each other since 2020-2021. The appellant has not used caste slurs which fall within the ambit of the Atrocities Act. Learned advocate tenders some photographs of the appellant and the victim, to this Court and submits that they were in love relationship. The appellant cannot be said to have humiliated or insulted the victim in the name of caste. There is delay in lodging the report. According to learned advocate, since *prima facie* case against the appellant is not made out, therefore, he is

entitled for grant of anticipatory bail.

5. *Per contra*, learned APP for the State strongly opposed the appeal by submitting that admittedly, respondent No.2/victim belongs to the Scheduled Caste community and the appellant has abused the victim in the name of her caste at public place. Learned APP relied upon the affidavit filed by the Investigating Officer. The investigation in the crime is in progress. The electronic evidence is to be seized from the appellant. The role attributed to the appellant is very serious. The Investigating Officer has seized various whatsapp messages sent by the appellant on mobile phones of the victim and her relatives and friends. Learned APP also placed abusive and obscene whatsapp messages on record of this Court. The appellant, who is practicing advocate, is supposed to know his limitations. By allegedly making viral obscene messages and photos, the appellant has not only committed serious offence, but has also maligned the image of the victim and her family members in the society. Learned APP, therefore, submits that the appellant being well educated professional and that too from legal fraternity, has committed very serious offence and therefore, he prayed for

rejection of the instant appeal.

6. Learned advocate Shri Datta A. Madake is engaged by respondent No.2. Therefore, learned advocate Shri Sanjay D. Hiwrekar, appointed through legal aid, is discharged. His fees shall be quantified and be paid to him by the High Court Legal Aid Services Sub-Committee, Bench at Aurangabad, as per rules.

7. I have also heard learned advocate Shri Madake. He submits that the appellant has edited photographs of the victim and has circulated the same to her all friends and relatives, thereby, he not only committed serious offence, but also defamed her and her family members in the society. According to learned advocate, since the victim's father is heart patient and therefore, initially, the victim and her family members tried to hide the incident from her father. However, the appellant has also sent filthy and obscene messages to the victim's father and other relatives and friends. Therefore, the prayer for grant of bail is strongly opposed on the ground that the appellant being lawyer, may harass the victim and her family members. The FIR clearly discloses commission of offence and these allegations are corroborated by electronic evidence in the form of whatsapp

messages and photographs. Learned advocate, therefore, prayed for rejection of the appeal.

8. After considering the submissions advanced on behalf of the parties and upon perusal of the investigation papers produced by the learned APP, it *prima facie* appears that respondent No.2/victim belongs to Scheduled Caste community. The allegations in the FIR disclose that the appellant called the victim to the college ground and, upon her refusal to accept his proposal, allegedly abused her by referring to her caste, in the presence of other persons. The statements of the cousin of the victim and other witnesses, who were stated to be present at the spot, have been recorded during investigation and *prima facie* support the version of the victim. The material placed on record further indicates that subsequent to refusal of the proposal, the appellant allegedly continued to harass the victim and her family members by sending obscene messages on their mobile phones. The Investigating Officer has collected electronic material, including whatsapp messages and photographs, which, at this stage, lends *prima facie* support to the allegations made by the victim. The allegations further indicate that such electronic

material was allegedly circulated to the victim, her family members and other persons. The allegations *prima facie* suggest that the appellant has committed serious crime which also amounts to defame the victim and her family members in society. Considering the nature of allegations and the material collected during investigation, the role attributed to the appellant is of a serious nature, and the matter requires further investigation in accordance with law.

9. Though learned advocate for the appellant has submitted that in view of various pronouncements of the Honourable Supreme Court as are referred in the impugned order of the learned Special Judge, if no *prima facie* case is made out against the accused, then he is entitled for anticipatory bail, however, in this case, all that can be said is that on perusal of the FIR coupled with the whatsapp messages and photographs on record and the statements of witnesses recorded by the Police, it *prima facie* discloses that the appellant has committed the said offence. Investigating carried out by the police further strengthen the case of the victim. Since *prima facie* offence under the Atrocities Act is disclosed, the statutory bar under Section 18

operates against grant of anticipatory bail. If the accused like the appellant are shown leniency and particularly in the teeth of evidence collected by the Investigating Officer, then, wrong message would go in the society. Custodial interrogation of the appellant is warranted because as contended by learned advocate for respondent No.2, there is likelihood that being an advocate, the appellant may play tactics to manipulate evidence and may also threaten the witnesses. Therefore, having regard to the nature of allegations, the existence of electronic evidence and the likelihood of further recovery and analysis of such material, custodial interrogation of the appellant appears necessary for effective investigation. In view of the presence of independent witnesses and the *prima facie* disclosure of offence under the Atrocities Act, the appellant does not deserve the discretionary relief of anticipatory bail. As held by the Hon'ble Supreme Court in ***Prathvi Raj Chauhan v. Union of India, (2020) 4 SCC 727***, if such *prima facie* case is made out, the statutory bar under Section 18 and 18-A operates and the Court cannot grant anticipatory bail.

10. In the present case, the material placed on record

prima facie discloses not only persistent harassment of the victim but also calculated attempt on the part of the appellant to malign and defame her and her family members by sending filthy and obscene messages and circulating objectionable electronic material to her relatives. Such conduct of the appellant, who is an advocate, has the potential to cause deep social stigma and humiliation to the victim, who belongs to a Scheduled Caste community. In cases of this nature, the necessity of custodial interrogation cannot be lightly brushed aside, particularly when electronic devices are required to be seized, examined and analysed, and when there exists a reasonable apprehension of manipulation of evidence and intimidation of witnesses. It is well settled law that where the allegations disclose serious offences having societal impact, the interest of society overrides individual liberty, and undue leniency may result in sending a wrong signal to the community at large. (See ***State of Gujarat v. Mohanlal Jitamalji Porwal***, (1987) 2 SCC 364 and ***State of Madhya Pradesh v. Madanlal***, (2015) 7 SCC 681). Further, as held in ***P. Chidambaram v. Directorate of Enforcement***, (2019) 9 SCC 24, anticipatory bail should not be granted as a matter of routine when custodial interrogation is necessary for effective

investigation. In the present matter, if the appellant, who is a practising advocate, is protected from arrest despite *prima facie* material and electronic evidence, it would convey a wrong message to the society. Therefore, the appellant is not entitled for anticipatory bail.

11. In view of the above discussion, **the instant Criminal Appeal is rejected.**

12. At this stage, learned advocate for the appellant requested for continuation of interim anticipatory bail granted by this Court. However, learned APP as well as learned advocate for respondent No.2 strongly opposed this request contending that though crime is registered on 27.09.2025, there is no progress in investigation.

13. Perusal of available material on record *prima facie* reveals commission of offence under the Atrocities Act. There is no progress in investigation. Hence, the prayer for continuation of interim relief is rejected.