



829.25apeal etc

(1)

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

919 CRIMINAL APPEAL NO. 829 OF 2025

NILESH ARUN GONDKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

AND

920 CRIMINAL APPEAL NO. 830 OF 2025

ANURADHA ALIAS HIRABAI ARUN GONDKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....

Mrs Rashmi S. Kulkarni, Advocate for Appellants

Mr C. V. Bhadane, APP for Respondent/State in Cr.Apeal
No.829/2025

Ms A. S. Mantri, APP for Respondent/State in Cr.Apeal No.830/2025

.....

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 06 NOVEMBER 2025

P.C. :

1. Heard.
2. Issue notice to the Respondents in both the appeals, returnable on 27/11/2025. Learned APPs waives service of notice on behalf of Respondent No.1 in respective appeals. Notice of Respondent No.2 be served through the Investigating Officer.
3. Mrs Kulkarni, learned Advocate for the appellants in both the appeals points out attention of this Court to paragraph in the

(2)

judgment of the Hon'ble Supreme Court in **Shajan Skariah Vs. State of Kerala**, reported in **2024 INSC 625**, observing therein that “*Not every intentional insult or intimidation of a member of a SC/ST community will result into a feeling of caste-based humiliation. It is only in those cases where the intentional insult or intimidation takes place either due to the prevailing practice of untouchability or to reinforce the historically entrenched ideas like the superiority of the “upper castes” over the “lower castes/untouchables”, the notions of ‘purity’ and ‘pollution’, etc. that it could be said to be an insult or intimidation of the type envisaged.*”

4. Considering the above and after perusal of the allegations in the FIR and the papers available on record, *prima facie*, this Court is inclined to grant interim protection to the appellants in both the appeals. Hence, I pass the following order:-

a) Until returnable date of hearing, the appellants in both these appeals shall be released in the event of arrest in connection with Crime No. 351/2025 registered on 05/04/2025 with Shirdi Police Station, Dist. Ahilyanagar for the offence punishable under Sections 351(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) of the

(3)

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, on furnishing PR bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] each, with one solvent surety/ security in the like amount.

b) Appellants shall attend the concerned police station as and when called by the Investigating Officer.

c) Appellants shall not try to contact or pressurize the witnesses or the informant, in any manner whatsoever.

5. The protection granted today in favour of the Appellants shall continue till the adjourned date of hearing.

[SUSHIL M. GHODESWAR, J.]

sjk