

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

CRIMINAL APPEAL NO. 532 OF 2025

Sai Ajay Rajput

...Appellant

VERSUS

The State of Maharashtra and Anr.

...Respondents

....

Mr. Bhushan Deshmukh, a/w Mr. Shashank Patore, Advocate
for the Appellant.

Ms. Shilpa Gajare-Dhumal, A.P.P. for the Respondent – State.

Mr. Aditya Ghadge, Advocate for Respondent No.2.

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CORAM : N. R. BORKAR, J.
DATE : 21.08.2025.

P.C.:

1. This appeal under section 14(A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("SC & ST Act") takes exception to the order dated 15.04.2025 passed by the learned Additional Sessions Judge, Yeola, in Anticipatory Bail Application No. 47 of 2025, by which the learned Additional Sessions Judge has rejected the application filed by the appellant for grant of anticipatory bail in Crime No. 256 of 2023, registered with Yeola City Police Station, for the offences

punishable under Sections 327, 324, 143, 147, 148, 149, 363, 504, 323, 506, and 364 of the Indian Penal Code, 1860, and Section 3(1)(r) of the SC & ST Act.

2. I have heard the learned counsel for the appellant, the learned APP for the respondent/State and the learned counsel for the respondent No.2.

3. The learned counsel for the appellant submits that this Court by order dated 13.11.2024 in Criminal Appeal No. 910 of 2024, has released similarly circumstanced co-accused in the present crime, namely Rajendra Rajput and Suresh Pardeshi, on anticipatory bail. It is submitted that the appellant has nothing to do with the alleged crime. It is further submitted that there are no criminal antecedents against the appellant.

4. The learned APP for the respondent-State and the learned counsel for the respondent No.2 submit that the complainant was brutally assaulted. It is submitted that the present appellant has assaulted the complainant by stick and therefore custodial interrogation of the appellant is necessary to recover the said stick. It is further submitted that the overt act attributed to the present

appellant and co-accused to whom this Court has granted anticipatory bail is different.

5. I have perused the order passed by this Court dated 13.11.2024 in Criminal Appeal No. 910 of 2024. This Court while granting bail to the co-accused has observed thus:

5) There appears to be inordinate delay in lodging of the FIR. The alleged incident has occurred on 17 June 2024 whereas the FIR is lodged on 7 July 2024. The FIR statement does not contain any caste based utterances nor the offences under SC & ST Act were initially included in the FIR. Though the exact date on which the offences under SC & ST Act came to be included is not clear at this stage, it appears that while opposing anticipatory bail, report dated 22 July 2024 was submitted before the learned Special Judge by the Investigating Officer in which the alleged caste based utterances made by Appellant No.1 are apparently included. Why those caste based utterances do not form part of FIR statement is not clear at this stage. The fact that there is inordinate delay in lodging the FIR coupled with the fact that allegations of caste based utterances are added subsequently, it is difficult to believe at this stage that *prima facie* case of commission of any offence under SC & ST Act is made out. Therefore bar under provisions of Section 18 of the Act would not be attracted in the present case.

6. Considering the above observation of this Court, I am inclined to release the appellant on anticipatory bail. In the result, the following order is passed:

ORDER

A] The Appeal is allowed.

B] In the event of arrest of the Appellant in Crime No. 256 of 2023 registered at Yeola City Police Station, he shall be released on bail, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The Appellant shall attend the concerned police station on 25.08.2025 and 26.08.2025 between 11:00 a.m. to 2:00 p.m., and shall co-operate in the investigation.

D] The Appeal is disposed of in the aforesaid terms.

(N. R. BORKAR, J.)