

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

CRIMINAL APPEAL NO. 685 OF 2025

Mayur Murlidhar Mhaske

...Appellant

Vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Rahul Khot	Advocate for the Appellant
Adv. Vikas Tiwari, Adv. Rohit Gupta a/w U. D. Ruparelia	Advocate for the Respondent No. 2/first informant
Mr. A. S. Gawai	APP for Respondent-State

CORAM : S. M. MODAK, J.

DATE : 09th OCTOBER 2025

P.C. :-

1. Heard learned Advocate for the Appellant, learned Advocate for Respondent No. 2-first informant and learned APP.
2. The Appellant is facing allegations of disrespecting caste of first informant. They got acquainted with each other as per dating app. They started meeting each other. Even they have met each other at the isolated place and they have got physical relationship. The first informant consented for establishing the relationship because she was

assured of performing marriage. There are several incidents quoted in the F.I.R. of having such relationship. Later on the Appellant has criticized caste of first informant and treated her caste on lower side in the society. That is why, she lodged the F.I.R. with Warje Malwadi Police Station on 02.06.2025. It is registered under Sections 64 (2)(m), 69, 351 (2) of the Bharatiya Nyaya Sanhita (BNS) 2023 and Sections 3 (1)(w)(i), 3(1)(w)(ii), 3(2)(v), 3(2)(va), 3 (1)(r) and 3 (1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. His anticipatory bail was rejected by the Pune Court.

3. Learned Advocate for the Appellant tried his level best to convince me, it is because of consensual relationship and there was no false promise to marry or any fake intension of a physical relationship. Both are major and educated. Both are aware about each other caste and the fact first informant belongs to reserve category. The Appellant is having physical relationship with the first informant and he must be aware about the caste of the girl with whom he has established relationship. Ultimately the privacy of any girl is very important, even if she does not lose right over privacy. She can do that only when she is having faith on person of the opposite gender.

4. The issue is whether the issue of the caste has arisen subsequently or since beginning. There are whatsapp chats. My attention is invited to various whatsapp messages. When I have read it, it finds reference of the caste of the first informant. Even there is communication referring the caste of the first informant on lower side. There are also other chats, how they should establish the physical relationship in natural way or unnatural way. The issue is when the Appellant has promised to marry as contended by first informant, he should not have emphasis on caste of the first informant.

5. Learned Advocate for the Appellant has produced copy of the whatsapp chats probably of 14.06.2024, wherein there is conversation at which place, they should have physical relationship, that is to say, in the house of the first informant or at some other place.

6. The issue is not only about consensual relationship but when the provisions of SC/ST Act are invoked first of all bar under Section 18 of the said Act needs to be lifted. Whatsapp communication and two statements, one of Shivani Wankhede and another of Samadhan Ghumre are perused, it finds that the Appellant has quarreled with the first informant on account of the caste. One incident took place on

26.12.2024. It is stated by Shivani Wankhede. These materials suggest that the Appellant has disrespected the caste of the first informant, even these materials may be of subsequent duration but it shows intension of the first informant.

7. I am unable to find any opinion about lifting of the bar under Section 18 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. Other offences are under Bharatiya Nyaya Sanhita (BNS) 2023. If the bar is not lifted as per the Section 18 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, the Appellant cannot be granted anticipatory bail in BNS offence. No interference is warranted. It is made clear that the these are my *prima-facie* observations and the trial Court shall decide the case on its own merits without influenced by the observations made in this order.

8. Hence, the appeal stands dismissed.

9. There is a request to continue ad-interim protection for two weeks. It is strongly opposed on behalf of the Respondents.

10. Let ad-interim to continue for two weeks from the date of uploading the order.

[S. M. MODAK, J.]