

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

CRIMINAL APPEAL NO.702 OF 2025

**SATISH
RAMCHANDRA
SANGAR**

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SATISH RAMCHANDRA
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1. **Dattu Karbhari Shelake**
Age : 61 Years, Occupation : Agriculture.
2. **Sangita Dattu Shelake**
Age : 56 Years, Occupation : Agriculture.
3. **Ramdas Dattu Shelake**
Age : 30 Years, Occupation : Agriculture.
4. **Gokul Dattu Shelake**
Age : 22 Years, Occupation : Agriculture.
All residing at : Vahegaon Sal,
Taluka : Chandwad, District : Nashik. **...Appellants**

Versus

1. **The State of Maharashtra**
[Through Chandwad Police Station,
Nashik Rural vide C.R. No.206 of 2025].
2. **Savitrabai Jaywant Battise**
Age : 65 Years, Occupation : Nil,
Residing at : Vahegaon Sal,
Taluka : Chandwad, District : Nashik. **...Respondents**

Mr.Shailesh Kharat a/w Mr.Vishwajeet Nimbalkar, Mr.Ashweth Bhoir and Mr.Onkar Chaudhari:-	Advocates for Appellants.
Mr.H.J.Dedhia:-	APP for Respondent No.1- State.
Mr.Bhushan Deshmukh a/w Mr.Shashank Patore:-	Advocates for Respondent No.2.
Mr.Anand Patore – PSI:-	Chandwad Police Station.

CORAM : S. M. MODAK, J.

DATE : 8th OCTOBER 2025

ORAL ORDER :-

1. Heard learned Advocate for the Appellants, learned APP and learned Advocate for Respondent No.2/First Informant.
2. All the Appellants are apprehending arrest in connection with the offence registered at C.R. No.206 of 2025 with Chandwad Police Station – Nashik Rural. It is registered on 3rd June 2025 in respect of the incident that alleged to have taken place on 31st May 2025. The offences are under Sections 74, 118(1), 115(2), 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 (“**BNS**”) and under Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“**SC & ST Act**”).
3. When the First-Informant was about to go to her agricultural field for agricultural operations, these Appellants on witnessing that she is alone, have threatened her from using the road. She was beaten with the help of wooden stick, her modesty was outraged. There are specific allegations in the FIR showing the involvement of all these Appellants. Though the incident is of 31st May 2025, she approached Chandwad Police Station on 3rd June 2025. The delay in lodging the

FIR is one of the grounds for seeking Anticipatory Bail.

4. Learned Advocate Shri.Kharat made following submission:-

- (a) There is a dispute going on in between the First-Informant – Savitrabai on one hand and the Appellants on the other hand in respect of the land bearing Survey No.302. Even the First-Informant avers in the FIR that there are cases going on before the Revenue Court at Chandwad.
- (b) The First-Informant was annoyed in view of the Agreement of Sale executed in between some of the family members of the First-Informant with the Appellant No.1–Dattu Shelake on 11th April 2025 in respect of the said piece of land. A copy is annexed.
- (c) The names of certain persons are removed from the 7X12 extract at the behest of the First-Informant and that is why the Appeals were filed before the Sub-Divisional Officer – Chandwad and they were decided against the First-Informant and the names of those persons were directed to be mutated again. Those orders are on Page Nos.14 to 20.
- (d) It is the case of the Appellants that “*the First-Informant and her family members have threatened to book the Appellants in atrocity case*” and this apprehension was informed to the local Police Station vide letter dated 10th April 2025. It is annexed to the Appeal memo.
- (e) In fact, the First-Informant and her son Yogesh have assaulted the Appellant–Sangita along with the others on 1st June 2025 at about 5.00 p.m. and there is FIR registered at C.R. No.204 of 2025 dated 2nd June 2025 with Chandwad

Police Station for the offences under Sections 118(2), 118(1), 115(2), 352, 351(2) of BNS, 2023. There is a certificate issued by Chandwad Government Hospital for Sangita and by private hospital dated 27th June 2025. There is a fracture of his right phalanx.

- (f) The submission is the allegation in the FIR is afterthought and out of imagination and that is why there is a delay in lodging the FIR.

5. There is a strong opposition on behalf of the Respondents.

Learned Advocate for Respondent No.2 made following submissions:-

- (a) The Appellants were aware about the caste of the First-Informant. He is from Hindu-Mang Community and when the abuses are given, the offence is complete.
- (b) There are specific references about involvement of every Appellant. Even though the Appellants were directed not to enter the disputed land (this direction was given when ad-interim protection was granted), still they have entered the disputed land and certain photographs are filed along with the Affidavit-in-Reply.

6. Learned APP opposed the prayers for following reasons:-

- (a) There are statements of witnesses supporting the incident as stated by the First-Informant.
- (b) The weapons are to be recovered.
- (c) The offences are made out.

Consideration

7. The Court of Additional Sessions Judge–Niphad as per the order

dated 24th June 2025 has rejected the Anticipatory Bail Application filed by these Appellants. I have perused the said order. Learned Judge has laid emphasis on “*reference of the caste and caste abuses and the observation that the ingredients of offence under the SC & ST Act are fulfilled.*” Learned Judge has also put emphasis that “*the injury caused to the First-Informant is grievous and the weapons are required to be recovered.*”

8. It is true there is a bar on Anticipatory Bail as contemplated under Section 18 of SC & ST Act. At the same time, it is also true that while deciding an Appeal, the Court is required to consider the request by:-

- (i) dealing with the averments in the FIR,
- (ii) the witnesses statements on one hand and
- (iii) the other materials on the other hand.

9. There cannot be any dispute that there is no shortcoming or lacuna in the averments in the FIR vis-a-vis the involvement of these Appellants. They have been specifically mentioned and their roles are also described. But these allegations on one hand and the other materials if considered together, there is every reason to believe that the FIR is lodged on 3rd June 2025 belatedly after pre-planning even though the incident is of 31st May 2025.

10. There are also intervening circumstances. There is also FIR registered against the First-Informant–Savitrabai and her son Yogesh on 2nd June 2025. One of the offence is bodily offence. It is also true that in that incident, the Appellant–Sangita sustained injuries to her fingers. The Court cannot be oblivious to the land dispute going on amongst the parties. The Court cannot be oblivious to the apprehension expressed by the Appellant–Dattu vide his complaint dated 10th April 2025. **If all these factors are considered, there is a serious doubt about the genuine invocation of the provisions of the SC & ST Act.** For the above reasons, the bar under Section 18 of the SC & ST Act will not be applicable.

11. This is the matter in which there are FIRs against both the sides. Even though the incident in which Anticipatory Bail is sought is earlier in time, it is reported to Police later in time. In between, there is FIR registered against the First-Informant. **All these factors persuaded me to take a view in favour of the Appellants.** A case is made out by the Appellants. Hence the following order:-

ORDER

- (a) **The Appeal is allowed.**
- (b) The order dated 24th June 2025 passed by the Court of Additional Sessions Judge – Niphad in Criminal Bail Application No.226 of 2025 is set aside.

(c) In case of arrest in connection with C.R. No.206 of 2025 registered with Chandwad Police Station – Nashik Rural for the offences under Sections 74, 118(1), 115(2), 352, 351(2), 3(5) and under Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w) (i), 3(1)(w)(ii) of SC & ST Act, the Appellants:-

- (i) Dattu Karbhari Shelake
- (ii) Sangita Dattu Shelake
- (iii) Ramdas Dattu Shelake
- (iv) Gokul Dattu Shelake

be released on bail **on furnishing personal bond and surety bond of Rs.25,000/- (Rupees Twenty Five Thousand)** each.

(d) They are directed to give attendance to Chandwad Police Station–Nashik Rural on 16th October, 2025, 6th November 2025 and 20th November 2025 from 10.00 to 12.00 noon.

(e) They are directed not to threaten the prosecution witnesses or to allure them in any manner.

(f) They are directed to cooperate the Police during investigation.

(g) If any of the conditions is breached, **their bail is liable to be cancelled subject to notice.**

12. These are my *prima facie* observations. The learned trial Court need not be influenced by them.

13. Parties to act on an authenticated copy of this order.

14. **With these observations, the Appeal is disposed of.**

[S. M. MODAK, J.]