

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.839 OF 2025

Mahesh Vishwas Kadam Appellant

V/s.

State Of Maharashtra And Anr Respondents

Mr.Dr.Abhinav Chandrachud a/w Mr.Aadil Parsurampuriah,
Mr.Pratik Dixit, Mr.Aalam Parsurampuriah i/b Mr.Rushikesh
Chavan, for the Appellant.

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Mr.Ashok s. Gawai, APP, for Respondent No.1 -State.

Ms.Shraddha Sawant, Appointed Advocate, for Respondent
No.2.

CORAM : R.M. JOSHI, J.

DATE : 21st NOVEMBER 2025

P.C:-

. Heard.

2. This appeal under Section 14A of the he Scheduled
Castes and the Scheduled Tribes (Prevention of Atrocities) Act,
1989 ('SCST Act' for short), is against order passed by the Trial
Court rejecting the Anticipatory Bail Application in CR
No.288 of 2025 registered with Waraje Malwadi Police Station,

Taluka and District-Pune.

3. The learned counsel for the Appellant submits that, even if the First Information Report for the sake of the argument is accepted to be correct, still the offence under provisions of Atrocities Act is not made out, since the offence is committed inside the house and not in public view. According to him, there is no allegations of the present Appellant abusing over the caste

4. The learned counsel for Respondent No.2 and APP opposed the Appeal.

5. Perusal of the First Information Report indicates that, the incident in question is occurred inside the house of the Informant. In view of the judgment the Hon'ble Supreme Court in the case of *Hitesh Varma V/s. State of Uttarakhand*¹, unless the offence is committed in public view, the provisions of the Section 3(1)(r) and 3(1)(s) of the Atrocities Act would not apply.

6. Apart from the allegations of the abuses i.e. not on

¹ (2020) 10 SCC 710

the case of the Informant, there is no other role attributed to the present Appellant.

7. Since, the *prima facie* offence is not made out under the Atrocities Act, Trial Court ought to have allowed Application for pre arrest bail as embargo of Section 18 would not be applicable to present case, Appeal stands allowed. Consequently, the Application No.4684 of 2025 is allowed.

8. In case of the arrest of the Appellant, he be enlarged on bail on furnishing a P.R. Bond of Rs.15,000/- with one surety in the like amount.

9. He shall not tamper with the evidence in any manner whatsoever.

(R.M. JOSHI, J.)