

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

CRIMINAL APPEAL NO.852 OF 2025

Jalindar Sakharam Baravkar Appellant

V/s.

State Of Maharashtra And Anr Respondents

**WITH
CRIMINAL APPEAL (ST) NO.16589 OF 2025**

Pramila Dnyaneshwar Waghpure And Anr Appellant

V/s.

The State Of Maharashtra And Anr Respondents

**WITH
CRIMINAL APPEAL NO.891 OF 2025**

Vijaya Somnath Baravkar Appellant

V/s.

The State Of Maharashtra And Anr Respondents

Mr.V.V. Purwant, for the Appellants.

Mr.A.S. Gawai, APP, for the Respondent-State.

Mr.Ghansham Jadhav, for Respondent No.2.

CORAM : R.M. JOSHI, J.

DATE : 28th NOVEMBER 2025

P.C:-

. These Appeals are against the rejection of the
Anticipatory Bail in connection with bail Application filed by the

appellant before the Special Court in Crime No.375 of 2025 registered with Yavat Police Station for the offences punishable under Section 3(1)(p), 3(1)(q), 3(1)(2) and 3(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SCST Act').

2. The learned counsel for the Appellants submits that, no offence much less offence under SCST Act, is made out from the First Information Report lodged by the Informant against the Appellant. It is his contention that, the first informant had lodged report against the Appellant vide CR No.741 of 2024, in which the anticipatory bail was granted to the Appellant. It is his submission that one of the Appellants report against the informant on 27th July 2024 vide CR No.266 of 2024. In the instance report the informant claims that there is no substance in the said allegations made in CR No.266 of 2024 and hence it amounts to an offence. It is his submission that, lodging of FIR by itself cannot become offence under any law.

3. The learned APP and the learned counsel appearing for Respondent No.2 opposed the Appeals. It is contention of the

learned counsel for Respondent No.2 that, Informant is convinced with the fact on the basis of the affidavits of the concerned witnesses that the offence in crime No.266 of 2024 is false and therefore there is justification in Report.

4. There cannot be any dispute made with regard to the prepositions that, lodging of the report by any person against even member of the Scheduled Caste or Scheduled Tribe by itself will not become offence. Here in this case, the Respondent No.2 is seeking his innocence in the said crime bearing No.266 of 2024, which is *sub judice* before the Competent Court. There is no dispute about the fact after investigation charge-sheet has been filed against the Informant. Thus, it is not open for this Court or any Court/Authority to record any finding in respect of the same except for the Trial Court before whom the case is being filed. Any Complaint/Report therefore become, premature and no offence can be said to have been committed by Appellants.

5. Consequently, since, *prima facie* no offence is made, much less under SCST Act, embargo created by Section 18 has no Application to the present case. Hence Appeals stand allowed in

the following terms.

ORDER

(i) Impugned orders are set aside.

Applications for pre arrest bail filed before Trial Court are allowed.

(ii) In the event of arrest of Appellants, in connection with Crime No.375 of 2025 registered with Yavat Police Station, they be released on bail on executing of P.R. bond of Rs.15,000/- with one surety in the like amount.

(R.M. JOSHI, J.)