

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

CRIMINAL APPEAL NO.1163 OF 2025

Balasaheb Baban Jambhalkar And Ors Appellants

V/s.

State Of Maharashtra And Anr Respondents

Mr.Abhishek Avachat a/w Mr.Siddhant H. Deshpande and
Mr.Indrajeet Jagdale, for the Appellants.

Mr.Hitendra Dedhia, APP, for the Respondent-State.

CORAM : R.M. JOSHI, J.

DATE : 03rd DECEMBER 2025

P.C:-

. Heard learned counsel for the Appellant submits that, the FIR lodged against the Appellant does not indicate the involvement of the offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SCST Act'). It is his submission that, in the charge-sheet, however, there is statement of the witness with whom there is enmity of the Appellant. According to him, thus this witness does not become a independent witness. In any case it is his submission that, the learned Trial Court has not gone into the

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merit of the case and rejected the Application on the basis of the judgment of the Andhra Pradesh High Court in case of Bidala Rajni passed in Criminal Petition No.1461 of 2025 wherein a view is taken by the Andhra Pradesh High Court that even in the event *prima facie* case is not made out for the offence under the Atrocities Act, the Application for Anticipatory Bail would be maintainable only before High Court not before the Special Court. This view according to him with respect would be not consistent with provision of law and hence debatable.

2. Learned Special Court not dealt with merits of the case. Having regard to the *prima facie* consideration of the First Information Report, it can be seen that, there are transactions between the parties so also the proceedings are pending before the Competent Court of law. *Prima facie* this Court finds substance in the contention of the counsel for the Appellant that, this could be the case wherein the offence can be said to have been committed in the public view. Consequently the liberty of the Appellant deserves to be protected till the Respondent No.2 is heard in the matter.

3. Hence, there shall be ad-interim relief in terms of Prayer Clause (d) till next date of hearing.
4. Issue notice to the Respondents.
5. The learned APP waives service on behalf of the Respondent-State.
6. Notice of Respondent No.2 is made returnable on 18th December 2025.
7. The learned APP to ensure that the information is given to Respondent No.2 about pendency of this Appeal.

(R.M. JOSHI, J.)