



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPEAL NO.100 OF 2025

1. Deepak s/o Vijay Ghonge
Age 33 Years, Occ. - Farmer,
 2. Uddhav s/o Madan Ghonge
Age 28 years, Occ. - Farmer,
 3. Jagan s/o Ganpat Ghonge,
Age 54 years, Occ. Farmer,
 4. Parmeshwar s/o Karbharti Ghonge,
Age 33 years, Occ. Farmer
- 1 to 4 R/o. At Bamkhed,
Tq. Deulgaon Rajan
District Buldana – 443206 (Maharashtra)

...APPELLANTS

VERSUS

1. State Of Maharashtra,
through P.S.O. Sindkhedraja,
District Buldhana
2. Sau. Seema s/o Rajendra Jadhav
Age 29 years, Occ. Household,
R/o. At Bamkhed, Tq. Deulgaon Raja,
District Buldana - 443206

...RESPONDENTS

Mr. A.M. Jaltare, Advocate for the appellants.
Ms S.S. Dhote, APP for the State.
Ms A.R. Sharma, Advocate (appointed) for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : JUNE 13, 2025.

ORAL JUDGMENT :

ADMIT. Heard finally with the consent of learned Counsel for the parties.

2. By preferring this appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellants herein have challenged the order passed by the Special Judge and Additional Sessions Judge, Buldhana, rejecting the application for grant of anticipatory bail bearing Criminal Bail Application No.4/2024 dated 30/01/2025.

3. The appellants are apprehending the arrest at the hands of police in connection with Crime No. 194/2023 registered with Police Station Sindkhed Raja for the offences punishable under Sections 143, 147, 452, 354, 354-B, 395, 324, 323, 427 and read with Section 149 of the Indian Penal Code, 1860 and Section 3(1)(r), 3(1)(w)(i), 3(1)(s), 3(1)(t), 3(1)(zc), 3(2)(v), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The report is lodged by Seema Rajendra Jadhav on an allegation that on 21/08/2023 around 8.00 p.m, the present appellants along with the other co-accused came to her grocery shop adjacent to her house and demanded the

Gutkha packets, for which she denied. On that count, they not only abused her but also caused the damage to her grocery shop with a bamboo stick. The accused i.e. appellant No. 1 lifted the shutter of her shop by his hand and again made a demand of contraband Gutkha. On her denial, he got annoyed and abused her in a filthy language and also snatched Rs. 11,000/- from the cash box of the shop and also thrown the grocery articles from the shop. It is further alleged that subsequent to the act of the appellant No. 1, the other accused also entered into her shop by holding sticks in their hands and caused the damage to her shop. The first incident happened on 21/08/2023, thereafter all the villagers decided to settle the dispute, and therefore, she has not lodged the report. However, subsequent to the said incident on 01/09/2023 again, when her daughter was about to proceed in a school in the vehicle of accused No.16. The accused No.16 denied her the right to take in the vehicle by saying that they are boycotting the community and also used the words against her daughter, which insulted her and humiliated her. They have also caused damage to the photo-frame of Dr. Baba Saheb Ambedkar. On the basis of the said report, police have registered the crime against the present appellants and other co-accused. After registration of the crime, the present appellants applied for the grant of anticipatory bail which came to be rejected and hence, this appeal.

4. Learned Counsel for the appellants submitted that as far as the allegations regarding the abuses on the caste are concerned, which is made only against appellant No.1 and not appellant Nos.2 to 4. He submitted that even accepting the allegation against appellant No.1 i.e. inside the house, and therefore, not within the public view. He further submitted that even accepting the allegation it is only to the extent of referring the caste. Mere reference of the caste is not sufficient to attract the provisions of the Atrocities Act, therefore, bar under Section 18 of the Atrocities Act will not attract.

5. *Per contra*, learned APP and learned Counsel for respondent No.2 strongly opposed the appeal on the ground that there is specific allegations as far as appellant No.1 is concerned as to the abuses on the caste is concerned. They both have submitted that there is specific allegations against appellant No.1 and the recitals of the FIR shows that he has abused the victim in a very filthy language. In view of that, bar under Section 18 of the Atrocities Act will attract, and therefore, the appeal deserves to be dismissed.

6. After hearing both sides and on perusal of the recitals of the FIR and the investigation papers, it reveals that Crime No.194/2023 was registered, on the basis of the report lodged by Seema Rajendra Jadhav alleging that she is a resident of Bamkhed Tah. Deulgaon Raja, District

Buldhana. On the day of incident i.e. on 21/08/2023 she was abused as well as the appellant No.1 has outraged her modesty by holding her hand. It further reveals that there is specific allegation against appellant No.1 is concerned as far as filthy language on the caste. As far as other appellants are concerned there is omnibus allegation levelled against them which is general in nature. Thus, considering the nature of the allegation against appellant No.1 admittedly, the bar under Section 18 of the Atrocities Act will attract against appellant No.1. As far as appellant Nos.2 to 4 are concerned there is omnibus allegations levelled against them.

7. As observed by the Hon'ble Apex Court in the case of *Shajan Skaria Vs The State Of Kerala & Anr., in Criminal Appeal No.2622 Of 2024 (Arising Out Of Slp (Crl.) No. 8081 Of 2023) dated 23/08/2024*, wherein it has observed that a plain reading of the above provisions shows that there should be intentional insult, the persons who belongs to the Scheduled Caste or Scheduled Tribes.

8. In view of the observation of the Hon'ble Apex Court, admittedly, the appellant Nos.2 to 4 are entitled to be released on anticipatory bail whereas bar under Section 18 of the Atrocities Act will attract against appellant No.1. Therefore, the appeal deserves to be partly allowed. Accordingly, I proceed to pass the following order:

(i) The criminal appeal is partly allowed.

(ii) The prayer of appellant No.1 for grant of anticipatory bail is hereby rejected.

(iii) The appellant Nos.2 to 4 namely 2) Uddhav s/o Madan Ghonge, 3) Jagan s/o Ganpat Ghonge, 4) Parmeshwar s/o Karbharti Ghonge, shall be released anticipatory bail, in the event of arrest their arrest, in connection with Crime 194/2023 registered with Police Station Sindkhed Raja for the offences punishable under Sections 143, 147, 452, 354, 354-B, 395, 324, 323, 427 and read with Section 149 of the Indian Penal Code, 1860 and Section 3(1)(r), 3(1)(w)(i), 3(1)(s), 3(1)(t), 3(1)(zc), 3(2)(v), 3(2)(va) of the Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act, 1989, on executing PR. Bond of Rs. 25,000/- each with one solvent surety each in the like amount.

(iv) The order passed by the Additional Sessions Judge, Buldana in Criminal Bail Application Nos.4/2024 dated 30/01/2025 is hereby quashed and set aside.

(v) The appellant Nos.2 to 4 shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

(vi) The appellant Nos.2 to 4 shall attend the concerned police station once in a week on Sunday between 10.00 a.m. to 01.00 p.m. till filing of the charge-sheet.

9. The appeal is disposed of.

10. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)

**Divya*