



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

CRIMINAL APPEAL NO. 114 OF 2025

APPELLANTS

1. Navnath Mansaram Bobade,
Age @ 42 years, Occu- Agriculturist.
2. Pramod Mansaram Bobade,
Age @ 45 years, Occu- Agriculturist.
3. Mansaram Kisan Bobade,
Age @ 66 years, Occu:- Agriculturist,
All r/o Village Karla, Tq. Patur,
District Akola.

-VERSUS-

RESPONDENTS

1. The State of Maharashtra, through
Police Station Officer, Police Station Patur,
District Akola.
2. Ramrao Sudama Boadade,
Age @ 57 years, Occu- Sarpanch,
R/o Village Karla, Tq. Patur,
District Akola.

Mr. S.Y. Rawate, counsel h/f Mr. S.M. Vaishnav, counsel for appellants.

Mrs. Sneha Dhote, APP for respondent/State.

Mr. S.D. Chande, counsel for respondent No.2.

CORAM : **URMILA JOSHI-PHALKE, J.**
DATE : **04/07/2025**

ORAL JUDGMENT :

1. Heard.
2. **Admit.** Heard finally with the consent of learned counsels appearing for the parties.
3. By preferring this appeal, the appellants have challenged the order passed by the Special Judge in Criminal Application No. (ABA) No. 91/2025, by which the application of the present appellants for grant of anticipatory bail is rejected.
4. The appellants are the original accused Nos. 3 to 5 who were arraigned as accused in connection with Crime No. 40/2025 registered with Patur Police Station, Tah. Patur District Akola for the offences punishable under Sections 3(1) (r)(s), 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short “the Act of 1989”), along with Sections 189(2), 191(2), 191(3), 190, 118(1), 115(2), 352, and 351(2) of the Bhartiya Nyaya Sanhita, 2023.
5. The allegation against the present appellants is that the informant, who belongs to the Scheduled Caste, is the

Sarpanch of Village Karla. The accused, Somnath always used to create hurdles in the working of the informant because of his caste. On 05/02/2025, the accused met the informant at 9.00 p.m., and it is alleged that they abused him on his caste. On the basis of the said report, police have registered the crime against the present appellants. After registration of the crime, they approached the Special Court for grant of anticipatory bail, the same was rejected. Hence, this appeal.

6. Heard learned counsel for the appellants, who submitted that omnibus allegations levelled against the present appellants as far as the FIR is concerned, there are no specific allegations that the accused has used any specific word, and there is no statement that with intention to humiliate the informant, they have abused the informant. Thus, he submitted that considering the omnibus allegation against the present appellants, the bar under Section 18 of the Act of 1989 will attract and therefore, they be protected by granting anticipatory bail.

7. Learned APP and learned counsel for the complainant strongly opposed the said appeal on the ground that there is a bar under Section 18 of the Act of 1989, and in view of that bar, the

learned Special Court has rightly rejected the application.

8. After hearing both sides and on perusal of the recitals of the FIR, an omnibus allegation is levelled against the present appellants that they all came on his person and abused him and also assaulted him by fist and kick blows. As far as the abuses of caste are concerned, which is not specific.

9. This aspect is considered by the Hon'ble Apex Court recently in the case of *Shajan Skaria Vs The State Of Kerala & Anr; Criminal Appeal No. 2622 Of 2024 (Arising Out Of Slp (Crl.) No. 8081 Of 2023) decided on 23/08/2024*, wherein considering the ingredients of the offence, the Hon'ble Apex Court held that the ingredients of the offence, all insults or intimidations to a member of the Scheduled Caste or Scheduled Tribe will not amount to an offence under the Act of 1989 unless such insult or intimidation is on the ground that the victim belongs to Scheduled Caste or Scheduled Tribe.

10. In view of the above observations of the Hon'ble Apex Court and considering the allegation levelled against the present appellants, which is only to the extent of assault by fist and kick blows, and omnibus allegations is levelled against the present

appellants. In view of that, the appeal deserves to be allowed. Accordingly, I proceed to pass the following order;

ORDER

- a] The criminal appeal is **allowed**.
- b] The order passed by the Special Judge under SC/ST, Akola in Criminal Application No. (ABA) No. 91/2025 is hereby quashed and set aside.
- c] The appellants i.e. **(1) Navnath Mansaram Bobade (2) Pramod Mansaram Bobade (3) Mansaram Kisan Bobade** shall be released on anticipatory bail, in connection with Crime No. 40/2025 registered with Patur Police Station, Tah. Patur District Akola for the offence punishable under Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 along with Section 189(2), 191(2), 191(3), 190, 118(1), 115(2), 352, 351(2) of Bhartiya Nyaya Sanhita, 2023, on executing P.R. Bond of Rs. 25,000/- each with one solvent surety in the like amount.
- d] The appellants shall attend the concerned police

station once in a week on Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.

- e] The appellants shall not induce, threat or promise any witnesses, who are acquainted with the facts of the case.

Criminal appeal is **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J.]