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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPEAL NO.157 OF 2025**

1. Dinesh s/o Gokul Solanke,  
Age : 41 Years,  
Occupation : Labour,  
R/o. Sudama Nagar, Shegaon,  
Taluka Shegaon, District Buldhana. .... **APPELLANT**

**// VERSUS //**

1. State of Maharashtra,  
Through Police Station Officer,  
Shegaon, District Buldhana.
2. XYZ in crime No.18/2025  
registered with P.S.O. Shegaon,  
District Buldhana. .... **RESPONDENTS**

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Mr. M. V. Rai, Counsel for the appellant.  
Ms. M. A. Barabde, APP for the respondent No.1 /State.  
Mr. H. V. Dhage, Counsel for the respondent No.2.  
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**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 27.06.2025**

**ORAL JUDGMENT :**

1. Heard.
2. **Admit.**
3. By preferring this appeal, under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant has challenged the order dated 18.02.2025 passed by the learned Special Judge and Additional

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Sessions Judge, Khamgaon, District Buldhana, rejecting the anticipatory bail application of the present appellant, in connection with Crime No.18/2025 registered with Police Station Shegaon, District Buldhana for the offence punishable under Sections 74, 76, 115(2), 296, 333, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(2)(va), 3(1)(w)(i)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989').

4. Heard learned Counsel for the appellant, who submitted that the crime is registered on the basis of report lodged by the victim on an allegation that on 14.01.2025 at about 9.00 p.m., when she was present in the house, the appellant came in front of her house, abused her in filthy language and also assaulted her and outraged her modesty by catching hold her. In the said incident, her clothes were torn. On the basis of the said report, police have registered the crime against the present appellant.

5. He submitted that there are previous disputes between the present appellant and the informant. The present appellant has also lodged a FIR on 15.01.2025 when the incident has taken place. In the present case, the FIR discloses that the alleged incident has taken place on 14.01.2025, in fact, no such incident has occurred on 14.01.2025. He submitted that though the alleged incident has taken place in front of the house on road, no independent witness

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came forward to substantiate the contention of the informant. As far as the custodial interrogation is concerned, which is not required. The informant has not sustained any injury in the said incident. In view of that, the appellant be protected by granting anticipatory bail. He submitted that the bar under Section 18 of the Act of 1989 will not attract as no *prima facie* case is made out against the present appellant.

6. Learned APP and learned appointed Counsel for the respondent No.2 strongly opposed the said appeal on the ground that during the incident, the informant was assaulted by the present appellant. She has sustained the injuries. The alleged incident has taken place within the public view. The language which is used by the present appellant attracts the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and therefore, bar under Section 18 of the Act of 1989 will attract. In view of that, the appeal deserves to be dismissed.

7. On hearing both the sides and on perusal of the investigation papers, after the incident, the informant was referred for the medical examination. The medical certificate specifically states that no injuries are found on the person of the victim. As per the victim, the alleged incident has taken place in front of her house. Her house is situated in a residential locality, no independent witness came forward substantiating the contention of

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the present victim. Thus, except the statement of the victim and her relatives, there are no eye witnesses to show that the alleged incident has taken place. Thus, considering the same, no *prima facie* case is made out. Moreover, the bar under Section 18 of the Act of 1989 will not attract. The observation of the Hon'ble Apex Court in the case of **Shajan Skaria Vs. The State of Kerala and another in Criminal Appeal No.2622/2024 decided on 23.08.2024**, wherein it is held that "all insults or intimidations to a member of the Scheduled Caste or Scheduled Tribe will not amount to an offence under the Act, 1989 unless such insult or intimidation is on the ground that the victim belongs to Scheduled Caste or Scheduled Tribe."

8. The ingredients of the offence are not made out and therefore, bar under Section 18 of the Act of 1989 will not attract. In view of that, the appeal deserves to be allowed. Accordingly, I proceed to pass following order:

### **ORDER**

- (i) The appeal is allowed.
- (ii) The order dated 18.02.2025 passed by the learned Special Judge and Additional Sessions Judge, Khamgaon, District Buldhana, in Anticipatory Criminal Bail Application No.62/2025 is hereby quashed and set aside
- (iii) In the event of arrest, the appellant **Dinesh s/o Gokul Solanke** shall be released on anticipatory bail in connection with Crime No.18/2025 registered with Police Station Shegaon, District Buldhana for the offence

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punishable under Sections 74, 76, 115(2), 296, 333, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(2)(va), 3(1)(w)(i)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iv) The appellant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

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

(vi) The appellant shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstances.

The appeal is disposed of.

**(URMILA JOSHI-PHALKE, J.)**

Sarkate.