



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

CRIMINAL APPEAL NO. 228 OF 2025

APPELLANT

Gopal @ Aashish Ramraoji Datkar,
Aged about 50 years, Occupation :
Agriculturist, R/o Hingani, Tah. and
District Akola.

-VERSUS-

RESPONDENTS

1. State of Maharashtra, through
Police Station Officer, Police Station, Akot,
Tq. Akot, District Akola.
2. Rajendra Amrutrao Ingale,
Aged about 53 years, Occupation:
Sub-Divisional Officer, Maharashtra
Jeevan Pradhikaran, Akot, Tq. Akot,
District Akola.

Mr. A.R.Deshpande, counsel for appellant.
Mr. C.A. Lokhande, APP for respondent/State.
None for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 30/06/2025

ORAL JUDGMENT :

1. Heard.

2. **Admit.** Heard finally with the consent of learned counsels appearing for the parties.

3. By preferring this appeal, the appellant has challenged the order passed by the Additional Sessions Judge, Akot, dated 21/04/2025, rejecting the application by passing order below Exhibit-1 in Criminal Bail Application No. 50/2025.

4. The appellant is arraigned as an accused in connection with Crime No.108/2025 registered with Police Station Akot, Tq. Akot, District Akola for the offences punishable under Sections 308(2), 351(2), and 296 of Bharatiya Nyaya Sanhita, 2023; and Sections 3(1)(m), 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the Act of 1989”).

5. After registration of the crime, the present appellant approached the Special Court for grant of anticipatory bail, the same was rejected. Hence, this appeal.

6. The crime is registered on the basis of a report lodged by one Rajendra Amrutrao Ingale, Sub-Divisional Officer, Maharashtra Jivan Pradhikaran Akot, Sub-Division, on an allegation that he has been in-charge of Maharashtra Jivan

Pradhikaran, Akot, alleging irregularities in the implementation of the Jal Jivan Mission Scheme, covering 84 villages under his jurisdiction. The fund of Rs. 58,00,00,000/- has been allotted for the said Jal Jivan Mission. At some villages, the work of the said scheme is in progress, and at some villages, it is yet to be commenced. In that behalf, the Sarpanch and other Gram Panchayat Members from the respective village panchayats used to meet the informant.

7. On 31/03/2025, the informant was present in the office and was busy with official work. At the relevant time, the Sarpanch of the village, Dahihanda – Sanjay Athwale, came to his cabin and inquired about various works at village Dahihanda with the informant. At that time, he received a phone call on his cell phone, and he was abused on the said cell phone call in filthy language. On the basis of the said report, police have registered the crime against the present appellant.

8. The learned counsel for the appellant submitted that after considering the entire recitals of the First Information Report (FIR), no offence is made out under the Act of 1989, as there is no single allegation that present appellant has abused him on his

caste. Therefore, the bar under Section 18 of the Act of 1989 will not attract. He invited my attention towards recitals of the FIR as well as the statement of the various witnesses and submitted that even accepting the statement as it is, no offence is made out under the Act of 1989. He further submitted that with false and baseless allegations, the present appellant is implicated in the alleged offence. As far as his custodial interrogation is concerned, which is not required, in view of that, interim protection granted to the present appellant deserves to be confirmed.

9. Learned APP strongly opposed the said application and submitted that not only the first informant but also the various eyewitnesses witnessed the said incident. Their statements are recorded, which shows the involvement of the present appellant in the alleged offence. In view of that, the bar under Section 18 of the said Act, the application was rightly rejected by the trial Court. In view of that, the appeal is devoid of merit and liable to be dismissed.

10. On hearing both sides and on perusal of the entire investigation papers, it reveals that the informant has received a telephonic call from the present appellant, which he kept on

speaker mode, and it is alleged that he was abused in filthy language by the present appellant. Moreover, I have also perused the statement of various alleged eyewitnesses, which also endorsed the same contention that the informant was abused on a cellphone call when it was kept on speaker mode. Even accepting the said contention as it is, it reveals that though there are abuses in filthy language was used, but there are no abuses on his caste. Thus, a prima-facie case is not made out as far as the provisions of the Act of 1989 are concerned. Even considering the abuses, which are in filthy language, the custodial interrogation of the present appellant is not required, as recovery of the mobile phone can be taken care of by imposing certain conditions on the present appellant. In view of that, as the bar under Section 18 of the Act of 1989 will not attract, the appeal deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] Criminal appeal is **allowed**.
- b] The order passed by the learned Additional Sessions Judge, Akot, in Criminal Bail Application No. 50/2025 dated 21/04/2025 is hereby quashed and set aside.
- c] The interim protection granted to the present

appellant by order dated 13/05/2025 is hereby confirmed, subject to the condition that the appellant shall attend the concerned police station once in a week on Tuesday between 10.00 a.m. to 01.00 p.m. and shall produce his mobile phone before the investigating officer, and the same period shall be considered as his custody for the purpose of Section 23(2) of Bharatiya Sakshya Adhiniyam, 2023, and the appellant shall cooperate with the investigating agency in all respects.

- d] The appellant 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.]