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

CRIMINAL APPEAL NO.264 OF 2025

Mangesh Ashok Potwar,
Aged about 42 Years,
Occupation : Contractor,
R/o Tekdi, Chimdh,
Tahsil : Mul, District Chandrapur.

..... APPELLANT

// VERSUS //

1. State of Maharashtra,
Through Police Station Officer,
Mul, Taluka Mul and
District Chandrapur.
2. Sujit Gulchand Khobragade,
Aged about 33 Years,
Occupation : Nil, R/o Ward No.17,
Adarsh Society, Tadala road, Mul,
District Chandrapur.

.... RESPONDENTS

Mr. A. M. Chandekar, Counsel for the appellant.
Mr. N. R. Rode, APP for the respondent No.1 /State.
Mr. Y. P. Bage, appointed Counsel for the respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17.06.2025

ORAL JUDGMENT :

1. Heard.
2. **Admit.**
3. By preferring this appeal, the appellant has challenged
the order passed by the learned Special Judge, Chandrapur

(2)

rejecting the application of the present appellant for grant of anticipatory bail bearing Anticipatory Bail Application No.290/2025.

4. The appellant is apprehending the arrest at the hands of police as crime is registered on the basis of report lodged by Sujit Gulchand Khobragade on an allegation that there is a previous dispute between the present appellant and him on account of WhatsApp message and on account of issuing the advertise being informant is Journalist. It is alleged that on 08.05.2025 at about 8.30 p.m. he was abused by the present appellant in a filthy language and thereby humiliated and insulted him. On the basis of the said report, police have registered the crime. After registration of the crime, the appellant approached to the learned Special Court for grant of anticipatory bail, which came to be rejected, in view of bar under 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989') and hence this appeal.

5. Heard learned Counsel for the appellant, who submitted that the appellant is arraigned as an accused on baseless allegations. In fact, no such incident has taken place, only to implicate the present appellant in a false case. As far as the bar under Section 18 of the Act of 1989 is concerned, which is not attracted, as there is only reference of the caste. In view of that, the appellant be protected by granted anticipatory bail.

(3)

6. Learned APP and learned Counsel for the informant strongly opposed for the same, on the ground that the informant was abused by the present appellant in a filthy language and therefore, the bar under Section 18 of the Act of 1989 will attract. In view of that, the appeal be devoid of merits and liable to be dismissed.

7. After hearing both sides and on perusal of the investigation papers, it reveals that the allegation levelled against the appellant that when the informant had been to the market in front of Bhagyarekha Mangal Sabhagruha, at the relevant time, the present appellant has abused him within the public view. After registration of the crime, the spot panchnama was drawn, it reveals from the spot panchnama that alleged spot panchnama is in the market place and various shops are situated there. The statements of the various shops owners were recorded and none of the witnesses have supported the contention of the informant, except one witness. The said eye witness also not disclose that the informant was abused on his caste. Thus, as far as the *prima facie* case is concerned which is absent in the present case. Thus, the ingredients to constitute the offence under Sections 3(1)(r) and 3(1)(s) of the Act of 1989 are not made out, and therefore, bar under Section 18 of the Act of 1989 will not attract. In view of that,

(4)

the appeal deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 23.05.2025 passed by the Special Judge, Chandrapur, below Exh.1 in Criminal Anticipatory Bail Application No.290/2025 is hereby quashed and set aside.
- (iii) In the event of arrest, the appellant **Mangesh Ashok Potwar** shall be released on anticipatory bail on executing PR bond of Rs.25,000/- with one solvent surety in the like amount, in connection with Crime No.188/2025 registered with Police Station Mul, District Chandrapur, for the offence punishable under Sections 296, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (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 witness who are acquainted with the facts of the case.

8. The fess of the appointed Counsel be quantified as per rules.

9. The appeal is disposed of.

(URMILA JOSHI-PHALKE, J.)