



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

CRIMINAL APPEAL NO. 320 OF 2025

APPELLANTS

1. Vijay s/o Ramkrushn Dhotre,
Aged 49 years, Occu: Agriculturist.
2. Mahadev s/o Ramkrushn Dhotre,
Aged 56 years, Occu: Agriculturist.
3. Kiran s/o Ramkrushn Dhotre,
Aged 52 years, Occu: Agriculturist.
4. Datta s/o Ramkrushn Dhotre,
Aged 52 years, Occu: Agriculturist.
5. Priya w/o Vijay Dhotre,
Aged about 40 years, Occu: Housewife.
6. Sandhya w/o Mahadev Dhotre,
Aged about 40 years, Occu: Housewife.
7. Sangita w/o Kiran Dhotre,
Aged 44 years, Occu: Housewife.
8. Vidya w/o Datta Dhotre,
Aged 37 years, Occu: Housewife,
(All r/o Hiwara (Khu), Tah. Manora,
Dist. Washim)

-VERSUS-

RESPONDENT

1. State of Maharashtra through
Police Station Officer,
Police Station Asegaon, District Washim.

RESPONDENT**2. XYZ**

In Crime No. 127/2025

through Police Station Officer,

Police Station Asegaon, District Washim.

Mr. A.V. Band, counsel for appellants.

Mr. M.J.Khan, APP for respondent/State.

Mr. S.S. Dhengale, counsel for respondent No.2.
-----**CORAM : URMILA JOSHI-PHALKE, J.****DATE : 25/07/2025****ORAL JUDGMENT :**

1. Heard.

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

3. By way of this appeal filed under Section 14-A, the appellants have challenged the order passed by the Additional Sessions Judge and Special Judge under the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989, Mangrulpir, passed in Criminal Bail Application No. 85/2025, rejecting the application for grant of anticipatory bail.

4. The appellants are apprehending the arrest at the hands of police in connection with Crime No. 127/2025 registered

with Police Station Officer, Police Station Asegaon, District Washim for the offence punishable under Sections 74, 118(1), 126(2), 189(2), 191(2), 191(3), 190, 352, 351(2) read with Section 351(3) of the Bhartiya Nyaya Sanhita, 2023, along with Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va), 3(1)(r) and 3(1)(s) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. It is submitted by learned counsel for the appellants that there is a civil dispute between the informant and the appellants family and the matters are pending in the sessions court. Earlier also, the informant had filed a case of theft against the appellant No. 1 in Manora Court, in which he has been acquitted. It is submitted that, out of the previous dispute, on account of the agricultural land, this false FIR is lodged against the present appellants. He submitted that, as the present appellants have lodged the FIR against the informant and the other family members, and to give a counterblast to the said FIR, this false report is lodged. He submitted that even considering the allegations as it is, no case is made out against the present appellants, and therefore, the bar under Section 18 will not

attract. It is submitted that merely because the informant belongs to the scheduled caste is not sufficient to attract the provisions of the Atrocities Act. As far as the custodial interrogation is concerned, which is not required. In view of that, the appellants will be protected by granting anticipatory bail.

6. Learned APP and learned counsel for the respondent No. 2/victim strongly opposed the said application and submitted that allegations of assault and abuse are substantiated by the other witnesses also. There is a medical certificate, which shows that the informant as well as the other prosecution witnesses sustained the injuries in the said incident. The informant was also referred for further treatment to the various centers. They have also drawn my attention to the specific allegations levelled against the appellants, submitting that the appellants not only assaulted the informant but also abused and humiliated her on the basis of her caste. Thus, as far as the attraction of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is concerned, a specific case is made out against the present appellants, and therefore, the bar under Section 18 will attract. In view of that, the appeal deserves to be rejected.

7. After hearing both sides and on perusal of the investigation papers, it reveals that there is a previous dispute between the present appellants and the informant on account of the agricultural land. Several civil litigations are also pending against them. Initially also, the informant has filed the report against the applicant No.1, alleging that he has committed suicide. From the said charges, the appellant No. 1 is already acquitted. Now, considering the allegations levelled against the present appellants, it reveals that, on the day of the incident, i.e., on 8/06/2025, all the appellants allegedly came into the agricultural field, assaulted, abused, humiliated and insulted them by abusing their caste. Considering the entire recital, as far as the appellants No. 1 and 2 are concerned, there is specific allegations levelled against them. But as far as the appellant Nos.3 to 8 are concerned, general allegations are levelled against them. On perusal of the entire investigation papers, it reveals that the attempt was made by the informant and all the family members therefore, appellant Nos. 3 to 8 are also involved in the said crime.

8. Considering the fact that, there is general allegations in the omnibus nature against appellant Nos.3 to 8 is there,

therefore, the bar under Section 18 will not attract and therefore, they are entitled to release the appellants on anticipatory bail. At this stage, recent observations of the Hon'ble Apex Court in the case of *Konde Nageshwar Rao Vs A. Srirama Chandra Murty and another in Criminal appeal No. 555 of 2018 decided on 23/07/2025*. Wherein, it is observed by the Hon'ble Apex Court by referring the earlier decisions in the case of *Masumsha Hasanasha Musalman vs State Of Maharashtra, reported in AIR 2000 SCC 557*, this Court has emphasized that merely because the complainant belongs to the Scheduled Castes or Scheduled Tribes cannot be the sole ground for prosecution. The offences alleged must have been committed solely on the basis of the victim's caste status. Misuse of the statute to settle personal scores or to harass individuals cannot be permitted if it is apparent. The Court should, in such situation be not hesitant to step in and stop the said misuse. Prosecution needs to be quashed at an early stage to prevent undue harassment of the accused where there is clear legal infirmity in the prosecution case, such as the allegations, even if taken at their face value, do not disclose an offence or the entire case is a bad faith exercise weaponized to settle personal scores, rather than seeking justice.

9. The another judgment referred by the Apex Court *Dr. Subhash Kashinath Mahajan v. State of Maharashtra and another reported in (2018) 6 SCC 454* had also observed that there has been an alarming increase in false complaints under the SC/ST Act, particularly against public servants and judicial officers with an oblique motive to settle personal scores or to harass individuals. Such acts cannot be allowed to be perpetuated and need to be stopped at the very outset so that there is no miscarriage of justice.

10. In light of the above observations, considering the facts of the present case, a specific case is made out against appellant Nos. 1 and 2. However, as far as appellant Nos. 3 to 8 are concerned, omnibus allegations have been levelled against them. In view of this, the bar under Section 18 will not apply. Therefore, the appeal deserves to be allowed partly. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal appeal is **allowed partly**.
- b] The order passed by the learned Additional Sessions Judge, Mangrulpur and Special Judge

under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, in Criminal Bail Application No. 85/2025, is hereby quashed and set aside.

- c] The appellant **No.3** – (Kiran s/o Ramkrushn Dhotre), **No.4** – (Datta s/o Ramkrushn Dhotre), **No.5** (Priya w/o Vijay Dhotre), **No.6** (Sandhya w/o Mahadev Dhotre), **No.7** (Sangita w/o Kiran Dhotre) and **No. 8** (Vidya w/o Datta Dhotre), shall be released on anticipatory bail in the event of their arrest in connection with Crime No. 127/2025 registered with Police Station Officer, Police Station Asegaon, District Washim for the offence punishable under Sections 74, 118(1), 126(2), 189(2), 191(2), 191(3), 190, 352, 351(2) read with Section 351(3) of the Bhartiya Nyaya Sanhita, 2023 read with Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va), 3(1)(r) and 3(1)(s) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on executing PR. Bond of

Rs. 25,000/- each with one solvent surety in the like amount.

- d] The appellants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- e] The appellant Nos. 3 and 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 and shall cooperate with the investigating agency.
- f] The appellant Nos. 3 to 8 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.]