



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

**CRIMINAL APPEAL NO. 331 OF 2025**

**APPELLANT**

Tejaswini Surendra Dhegawat,  
Age 32 years, Occupation: Asha Worker,  
R/o Adarsh Nagar, Pusad, Taluka Pusad,  
District Yavatmal.

**-VERSUS-**

**RESPONDENTS**

1. The State of Maharashtra,  
through Police Station Officer,  
City Police Station, Pusad,  
District Yavatmal.
2. Vanita Pandurang Manwar,  
Aged 45 Years, Occu- Asha Worker,  
R/o Amarnagar Shreerampur Pusad,  
Tq. Pusad District – Yavatmal.

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Mr. V.R.Thote, counsel appellant.  
Mr. A.M. Ghogare, APP for respondent/State.  
Mr. H. N. Sangode, counsel for respondent No.2.  
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**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATE : 29/07/2025**

**ORAL JUDGMENT :**

1. Heard.

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

3. By preferring this appeal, the appellant has challenged the order passed by the Additional Sessions Judge, Court No.1, Pusad in Criminal Bail Application No.212/2025 rejecting the anticipatory bail application of the present appellant.

4. Apprehending the arrest at the hands of police in connection with Crime No.264/2025 registered with Police Station Pusad, District Yavatmal for the offence punishable under Sections 117(2), 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant approached this Court for grant of pre-arrest bail.

5. After hearing both sides, Sessions Judge come to the conclusion that in view of the bar under Section 18 of the Act of 1989, the application is not maintainable and rejected the application.

6. Being aggrieved and dissatisfied with the same, the present appeal is preferred by the appellant. The crime is registered on the basis of a report lodged by one Vanita Pandurang

Manwar alleging that on 22/04/2025, when she was present in the Gram Panchayat office, at the relevant time, the present appellant and the other co-accused abused her on her caste and insulted and humiliated her. The said incident, according to her, is also recorded in the CCTV footage. On the basis of the said report, police have registered the crime against the present appellant and the other co-accused.

7. Learned counsel for the appellant submitted that omnibus allegation is levelled against the present appellant. There are no recital in the FIR that the present appellant has abused her on her caste. Thus, prima-facie case is not made out against the present appellant, and therefore, the bar under Section 18 of the Act of 1989 will not attract. In view of that, the appellant be protected by granting anticipatory bail.

8. Learned APP strongly opposed the appeal on the ground that there is a specific allegation that the present appellant has not only assaulted the informant but also abused her on her caste, and therefore, the bar under Section 18 of the Act of 1989 will attract.

9. Learned counsel for respondent No.2 also strongly

opposed the said application and submitted that the alleged incident has taken place with the public view in front of the various Asha Workers, and the prima-facie case is made out. In view of the bar under Section 18 of the Act of 1989, the appeal is not maintainable.

10. On perusal of the recitals of the FIR, except the reference of the caste, there are no specific abuses mentioned in the FIR. On perusal of the investigation papers, it reveals that the statements of the various Asha Workers were recorded, and they have not supported the contention of the informant as far as the abuses on her caste are concerned. There is no statement in the FIR that though the appellant has knowing that she belongs to the Scheduled Caste, thereafter, she was also abused.

11. Moreover, this aspect is considered by the Hon'ble Apex Court 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.

12. On perusal of the recitals of the FIR and the various statements recorded by the investigating officer, which nowhere supports the case of the informant that she was abused on her caste. As none of the witnesses have stated that she was abused on her caste. Thus, no prima-facie case is made out, and therefore the 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 the following order.

#### **ORDER**

- a] The criminal appeal is **allowed**.
- b] The interim protection granted to the present appellant by order dated 11/07/2025 is hereby confirmed.
- c] The order passed by the Additional Sessions Judge, Court No.1, Pusad in Criminal Bail Application No. 212/2025 is hereby quashed and set aside.

- d] The appellant shall attend the concerned police station once in a week on every Monday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.
- e] 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.]**