



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

CRIMINAL APPEAL NO. 339 OF 2025

APPELLANT

Gopal Prabhakar Kalmundle,
Age 43 years, Occu: Labour,
R/o Near Railway Station, Panchasheel
Nagar, Tq. and District Washim.

-VERSUS-

RESPONDENTS

1. The State of Maharashtra,
through P.S.O., of P.S. Washim, Tq. and
District Washim.
2. XYZ in Crime No. 495/2025
through P.S.O. P.S. Washim, Tq. & District
Washim.

Mr. S.D. Tatake, counsel for appellant.
Mr. N.B. Jawade, APP for respondent/State.
Ms. Ayushi Dangre, counsel (appointed) for respondent No.2.

CORAM : **URMILA JOSHI-PHALKE, J.**
DATE : **22/08/2025**

ORAL JUDGMENT :

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

2. By preferring this appeal, the appellant has challenged the order passed by the Sessions Judge and Special Judge Washim rejecting the anticipatory bail application of the present appellant in connection with Crime No. 495/2025 registered under Sections 3(1)(v), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii), and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Atrocities Act') and Sections 118(1), 351(3), 352, 64(1) of Bhartiya Nyaya Sanhita, 2023.

3. The crime is registered on the basis of a report lodged by the victim on an allegation that present applicant is her neighbour. On 19/05/2025, the present appellant called her inside the house, and subjected her for forceful sexual harassment by disrobing her and also attempted to commit sexual assault on her. On the basis of the said report, police have registered the crime. It is further alleged that present appellant threatened her that he would cause her death by pouring acid on her.

4. Learned counsel for the appellant submitted that, due

to the previous enmity, the appellant is falsely implicated in the alleged offence. In fact, wife of the present appellant has lodged a report against the victim, and therefore, he is implicated falsely in the alleged offence. As far as bar under Section 18 of the Atrocities Act is concerned, it will not attract, as no prima-facia case is made out against them, and therefore, he be released on anticipatory bail.

5. Learned APP and learned counsel for the victim strongly opposed for the same on the ground that, considering the allegation which is of a serious nature, that the present appellant called the victim inside the house, subjected her for outraging of modesty by disrobing her as well as attempted to sexually assault her, and threatened to kill her by pouring the acid on her. They submitted that the act of the assault is substantiated by the medical certificate, which shows injuries on her hand as well as on her head. Thus, it is not only the words used by the present appellant which attract the provisions of the Atrocities Act, but also the fact that he was aware that she belongs to the Scheduled Caste and Scheduled Tribes and that she was subjected for sexual harassment; therefore, the bar under Section 18 of the Atrocities

Act will attract and no interference is called for.

6. On hearing both sides and on perusal of the investigation papers, the submissions made by the learned APP and learned counsel for the victim has some substance, as the statement of the victim was recorded, wherein she has reiterated the entire incident. This fact is also substantiated by the medical certificate, which shows one injury was found on her forehead, which was by hard and a blunt object. A CT scan was also carried out, which shows that there was swelling, as she has sustained the head injury. The statements of the other witnesses also disclose the substance in the allegations. Admittedly, the present appellant knew that the informant belongs to the Scheduled Caste and Scheduled Tribes, and knowingly he subjected her for sexual harassment and also used the word which attract the provisions of the Atrocities Act, and therefore, the bar under Section 18 of the Atrocities Act will attract. In view of that, the order passed by the learned Sessions Judge observing that, in view of the bar under Section 18, the application deserves to be rejected, and no interference is called for. In view of that, the appeal deserves to be dismissed. Accordingly, I proceed to pass the following order.

ORDER

- a] Criminal Appeal is dismissed.
- b] The fees of the appointed counsel be quantified as per rule.

[URMILA JOSHI-PHALKE, J.]