



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

Criminal Appeal (APEAL) No. 362 of 2025

Mohit S/o Ashokrao Motghare

Versus

State of Maharashtra through Police Station Officer, Police Station Teosa,
District Amravati and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.B.Gandhe, Advocate for the appellant.

Shri Vinod Thakare, APP for the respondent No.1 /State.

Ms. Jagruti S. Kurve, Advocate h/f Shri S.N.Nandeshwar,
Advocate for the respondent no.2.

CORAM : MRS. VRUSHALI V. JOSHI, J.
DATED : 10th SEPTEMBER, 2025.

By preferring this appeal, the appellant has
challenged the order dated 16th July, 2025 passed by the
Additional Sessions Judge, Amravati in Criminal Bail
Application No. 594 of 2025.

2. Appellant is arrested in Crime No. 434 of
2025 registered with Police Station Teosa, Dist.
Amravati (Rural) for the offence punishable under

Sections 74, 75(2), 78, 296, 351(2), 351(3) and 352 of Bhartiya Nyay Sanhita, 2023 (in short hereinafter referred as 'BNS, 2023') read with Sections 3(1)(w)(i) (ii), 3(1)(r) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short hereinafter referred as 'Atrocities Act, 1989').

3. It is the case of the prosecution that victim who is 19 years of age was having love affair with the appellant. The allegations against the appellant are that when the victim was alone, he called her and he followed her. Thereafter, he went by motor-cycle and tried to embrace her. When she refused to go near to the appellant, he abused her on her caste and also abused victim's father in filthy language. Thereafter, the complaint was lodged against the appellant for the offence under BNS, 2023 and under the provisions of Atrocities Act, 1989.

4. Learned counsel for the appellant submits that the appellant and victim were having love affair.

The father of the victim was against it, therefore, the false complaint has been lodged. The appellant is in jail since last two months. Learned counsel for the appellant undertakes that appellant will not enter the village Talegaon where the victim is staying. Accordingly, he prays to allow the appeal.

5. On the other hand, learned Addl. Public Prosecutor for the respondent no.1/State opposed the appeal by stating that the appellant has harassed her after break-up. He has given threats to her. Learned Addl. Public Prosecutor further states that if the appellant is released on bail, he may harass her and also threaten her. Hence, prays to reject the appeal.

6. Learned counsel for the respondent no.2 also opposed the appeal by stating that while rejecting the bail, the trial Court has observed that the appellant has threatened her to kill with acid attack. Hence, prayed to reject the appeal.

7. Heard learned counsel for the appellant, learned Additional Public Prosecutor and learned counsel for the victim.

8. After going through the First Information Report, it appears that after the break-up, the complaint is lodged. It also reveals from the two statements of the victim that the threats were not given of acid attacks by the appellant. So also, there are no specific words used which insults the caste of victim which attracts the offence of Atrocities Act, 1989. Appellant is in jail since last two months.

9. Considering the allegations made against the appellant, case is made out for grant of bail with certain terms and conditions. Accordingly, I proceed to pass the following order :

O R D E R

- i. The Criminal Appeal is allowed.
- ii. The order dated 16th July, 2025 passed by the learned Additional Sessions Judge, Amravati in Criminal

Application (BA) No. 594/2025, is hereby quashed and set aside.

iii. Appellant - Mohit S/o Ashokrao Motghare, be released on regular bail in connection with Crime No. 434 of 2025 registered with Police Station Teosa, Dist. Amravati (Rural) for the offence punishable under Sections 74, 75(2), 78, 296, 351(2), 351(3) and 352 of Bhartiya Nyay Sanhita read with Sections 3(1)(w)(i)(ii), 3(1)(r) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on his executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

iv. The Appellant shall attend the concerned Police Station once in a week i.e. on every Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.

v. The appellant shall not enter into the village Talegaon Thakur, Taluka Teosa, District Amravati till the conclusion of the trial.

vi. The Appellant shall not induce, threat or promise any witness who is acquainted with the facts of the case either personally or by way of electronic media.

10. Criminal appeal stands disposed of.

[MRS. VRUSHALI V. JOSHI, J.]