



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

CRIMINAL APPEAL NO. 715 OF 2024

1. Devendra s/o Rameshchandra Raut,
Age 54 years, Occ : Private Service
2. Shyam s/o Vijay Deotalu,
Age 49 years
3. Prafulla s/o Shyam Deotalu,
Age 21 years, Occ : Agriculturist
4. Punjaji Amarsing Mehenge,
Age 65 years, Occ: Carpenter,
5. Sanjay Punjaji Mehenge
Age 49 years, Occ : Agriculture
6. Rajesh s/o Prabhakar Tiwari,
Age 52 years, Occ : Agriculture
7. Ritesh s/o Prabhakar Tiwari,
Age 52 years, Occ : Agriculture

All R/o Asalgaon, Tq. Jalgaon
(Jamod), Dist. Buldana

....APPELLANTS

....VERSUS....

1. State of Maharashtra,
through Police Station Officer,
P.S. Jalgaon (Jamod), Dist.
Buldana
2. X.Y.Z. FIR No. 520/2024
Police Station Jalgaon (Jamod)
Dist. Buldana

....RESPONDENTS

Shri A.J. Thakkar, Advocate for appellants.
Ms Mrunal Barabde, APP for respondent/State

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12.08.2025

ORAL JUDGMENT

1. Heard.

2. Admit.

3. By preferring this appeal the appellant has challenged the order passed below Exh.1 in Criminal Bail Application No.493/2024 dated 02.12.2024, rejecting the application of the present appellant for grant of anticipatory bail.

4. Heard learned Counsel for the appellant who submitted that the appellants are apprehending arrest at the hands of Police in connection with Crime No.520/2024 registered with police station Buldhana, District Jalgaon (Jamod) for the offence punishable under Sections 74, 75, 76, 191(1), 191(2), 190, 115(2), 333 and 352 of the Bharatiya Nyaya Sanhita, 2023 and Sections 8, 12, 3(1) (w) (i), 3(1)(w) (ii), 3(2) (va), 3(1)(r), 3(1)(s) and 3(1) (3) of the

Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (hereinafter referred as 'the Act of 1989' for short).

5. The First Information Report was lodged on an allegation that on 21.08.2024, when she along with her family members present in the house at about 9:30 AM, 7-8 persons entered in her house and started assaulting her husband by fist and kick blows. Out of that, one person has pulled her saree and one person has caught hold her daughter. On hearing the shouts, her other relatives came there, at the relevant time, the assailants ran away from the spot of incident. It is further informed to her that on 20.08.2024, there was a dispute on account of consuming the liquor, and therefore, they came to her house. He submitted that the applicant initially lodged the report vide Crime No.428/2024 and to give counter blast to the said FIR this false FIR is lodged against the present appellants. He submitted that even assuming the allegation as it is, there is omnibus allegations as far as the abuses on the caste are concerned. The entire incident occurred inside the house, and therefore, it is not within the public view. Therefore, the application of the Act of 1989 itself is doubtful. In view of that, the appellants be released on ad-interim anticipatory

bail.

6. Learned A.P.P. strongly opposed the said appeal on the ground that considering that the present appellants entered in the house of the victim and not only assaulted her husband but also sexually harassed her as well as her daughter and, therefore, their custodial interrogation is not required.

7. Despite the notice served upon the informant, none appears for the informant.

8. On hearing both the sides and on perusal of recitals of the FIR and the other documents it reveals that regarding the incident on earlier date i.e. on 20.08.2024, one of the appellant namely Devendra Ramkrushna Raut has lodged the report against the husband of the informant and other person and, therefore, this FIR came to be lodged. Considering the submissions made by the learned Counsel the entire incident took place inside the house, thus the incident is not within the public view. Moreover, there is an omnibus allegations and, therefore, no prima facie case is made out and therefore the FIR under Section 18A will not attract. In

view of that interim protection granted to the present appellants deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

- i) The Appeal is allowed.
- ii) The order passed by the Special Judge, below Exh.5 in Sessions Case No. 28/2021, is hereby quashed and set aside.
- iii) The appellants – 1) **Devendra s/o Rameshchandra Raut**, 2) **Shyam s/o Vijay Deotalu**, 3) **Prafulla s/o Shyam Deotalu**, 4) **Punjaji Amarsing Mehenge**, 5) **Sanjay Punjaji Mehenge**, 6) **Rajesh s/o Prabhakar Tiwari** and 7) **Ritesh s/o Prabhakar Tiwari**, shall be released on anticipatory bail in connection with Crime No.520/2024 registered with police station Buldhana, District Jalgaon (Jamod) for the offence punishable under Sections 74, 75, 76, 191(1), 191(2), 190, 115(2), 333 and 352 of the Bharatiya Nyaya Sanhita, 2023 and Sections 8, 12, 3(1) (w) (i), 3(1)(w) (ii), 3(2) (va), 3(1)(r), 3(1)(s) and 3(1) (3) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, on executing PR. Bond of Rs.25,000/- each with one solvent surety in like amount.
- iv) The appellants shall attend the concerned police station as

and when required for the investigation purpose on issuance of the notice of three days in advance and shall co-operate with the investigation agency.

v) The appellants shall not induce threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

vi) The appellant shall not indulge themselves in similar type of the activities.

9. The appeal is disposed of.

(URMILA JOSHI-PHALKE, J.)

R.S. Sahare