



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

CRIMINAL APPEAL NO. 258 OF 2025

Sandip Damodar Nandokar,
Aged about 37 years, Occ. Labour,
R/o. Gaigaon Kd. Ta. Shegaon,
District Buldhana.

APPELLANT

Versus

State of Maharashtra,
Through Police Station Officer,
Shegaon Rural Police Station,
Shegaon, Tq. Shegaon, Distt. Buldana. **RESPONDENT**

Mr. H.V. Dhage, Advocate for the Appellant.
Mr. A.A. Madiwale, A.P.P. for the Respondent/State.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 16th JUNE, 2025.

ORAL JUDGMENT :-

1. Heard.
2. Admit.
3. By preferring this Appeal, the Appellant has

challenged the order passed by the Special Judge, Khamgaon in Anticipatory Bail Application No. 219/2025 dated 09.05.2025 rejecting the application of the present Appellant for grant of Anticipatory Bail.

4. Apprehending the arrest in the Crime No. 24/2025 registered with Police Station Shegaon Rural under Sections 309(6), 352 of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as “the Atrocities Act” for short), the Appellant approached this Court for pre arrest bail in the event of his arrest, which came to be rejected. Crime is registered against him on the basis of the report lodged by Prajwal Jagdeo Ikhare on an allegation that when he was proceeding on his motorcycle at that time one motorcyclists came in front of him restrained him and snatched the amount from his pocket and assaulted him and abused him on his caste. On the basis of the said report Police have registered the crime.

5. Heard learned Counsel for the Appellant, who submitted that, as far as the allegations are concerned to attract

the provisions of the Atrocities Act there is no specific allegation against the present Appellant. Mere saying that he referred the caste is not sufficient to attract the bar under Section 18 of the Atrocities Act. He further submitted that, as far as the custodial interrogation is concerned, which is not required. The Appellant has already cooperated with the investigating agency. In view of that, the Appellant be protected by granting anticipatory bail.

6. Learned APP for the Respondent/State, strongly opposed the Appeal on the ground that, not only the informant but the statements of eye witnesses discloses the involvement of the present Appellant in the above said crime. There are abuses on the caste, and therefore, bar under Section 18 of the Atrocities Act will attract and in view of that, the Appeal deserves to be rejected and the Special Court has already rejected the same, and therefore, Appeal be devoid of merits and liable to be dismissed.

7. After hearing both the parties and on perusal of the entire investigation papers, it reveals that, the only allegation is that the present Appellant has referred the caste of the Informant and abused him in filthy language. This is not

supported by the eye witnesses of the incident, which only discloses that the Informant was abused by the present Appellant in filthy language. As far as the allegation regarding the abuse on the caste is concerned, is not supported by any of the witnesses, and therefore, bar under Section 18 of the Atrocities Act, will not attract.

8. As the bar under Section 18 of the Atrocities Act, is not attracted, and therefore, the prayer of the Appellant deserved to be considered by appreciating that whether his custodial interrogation is required. The statement of the witnesses as to the snatching of the amount is concerned, it is also not supported to the case of the present Informant. Considering the statement of the eye witnesses, admittedly bar under Section 18 of the Atrocities Act is not attracted, and the custodial interrogation of the present Appellant is not required for recovery of money. In view of that, the Appeal deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- i. The Appeal is **allowed**.
- ii. The order passed by the learned Special Judge, Khamgaon in Anticipatory Bail Application

No. 219/2025 dated 09.05.2025, rejecting the application for grant of anticipatory bail, is hereby quashed and set aside.

- iii. The Appellant – Sandip Damodar Nandokar, shall be released on anticipatory bail in the event of his arrest, in connection with Crime No. 24/2025 registered with Police Station Shegaon Rural under Sections 309(6), 352 of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on 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. and 01.00 p.m. till filing of the charge-sheet.
- v. The Appellant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

9. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)