



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

**CRIMINAL APPEAL NO. 322 OF 2025**

Nitin @ Nana s/o Laxman Deshmukh,  
Aged 49 Years, Occ. Labour,  
R/o Kawathal, Tahsil Mangrulpir,  
District Washim. **APPELLANT**

**Versus**

1. The State of Maharashtra,  
Through Police Station Officer, Police  
Station Mangrulpir, District Washim.
2. Subhash Atmaram Manwar,  
Aged 60 Years,  
R/o Kavthal, Tahsil Mangrulpir,  
District Washim. **RESPONDENTS**

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Mr. D.V. Mahajan, Advocate h/f Mr. U.P. Dable, Advocate for the  
Appellant.  
Ms. Mrunal Barabde, APP for the Respondent No.1/State.  
Mr. M.B. Vaidya, Advocate for the Respondent No.2.  
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**CORAM : URMILA JOSHI PHALKE, J.**

**DATED : 25<sup>th</sup> JULY, 2025.**

**ORAL JUDGMENT :-**

1. Heard.

**2. ADMIT.**

3. The present Appeal is preferred by the Appellant under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 challenging the order passed by the Special Judge and Additional Sessions Judge, Mangrulpir, District Washim rejecting the application of the present Appellant for grant of Anticipatory Bail.

4. The Appellant is arraigned as an accused in connection with Crime No.328/2025 registered under Sections 74, 76, 118(2)(1), 115(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 3(1)(w)(i), 3(1)(w)(ii) 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).

5. The Appellant is arraigned as an accused on an allegation that on 29.05.2025 when the Informant alongwith his wife was proceeding towards his agricultural field, at the relevant time the present Appellant restrained him and abused him on his caste and assaulted by means of stone due to which he has sustained grievous injuries and also assaulted his wife.

On the basis of the said report Police have registered the crime against the present Appellant. After registration of the crime he approached the Special Court for grant of anticipatory bail and the same was rejected, hence this Appeal.

6. Heard learned Counsel for the Appellant, who submitted that, due to the previous enmity, the present Appellant is implicated in the alleged offence, in fact the present Appellant has also received the injuries in the same incident. In fact, the present Appellant has filed FIR against the Informant vide Crime No.322/2025 and to give a counter blast to the said complaint, this false report has been filed. As far as the bar under Section 18 of the Atrocities Act is concerned, is not attracted as there is no statement that though the present Appellant was knowing that the Informant belongs to the Scheduled Caste and Scheduled Tribe with intention to humiliate and insult him he was assaulted by the Appellant merely because he belongs to the Scheduled Caste and Scheduled Tribe. Thus, he submitted that the bar under Section 18 of the Atrocities Act will not attract, and therefore, the Appellant be released on bail in the event of his arrest.

7. Learned APP for the Respondent No.1/State and learned Counsel for the Respondent No.2/Victim, strongly opposed the Appeal on the ground that, considering the gravity of the injuries sustained by the injured even accepting that the provisions of Atrocities Act are not applicable then also the act of the present Appellant is grievous one, and therefore, his custodial interrogation is required and in view of that the Appeal deserves to be dismissed.

8. After hearing both the sides and on perusal of the recitals of the FIR and the investigation papers, it reveals that, the FIR lodged by the present Appellant is prior in point of time, he has also sustained injuries in the said incident as well as the Informant and his wife has also sustained grievous injuries in the said incident. The statements of the witnesses also shows that there was hot exchange of words between the Informant and the present Appellant and during that incident the present Appellant as well as the Informant has sustained injuries. The allegation levelled against the present Appellant is substantiated by the statements of various witnesses as far as the assault on the Informant is concerned. The photographs of the Informant on record shows the gravity of the offence that the Informant

has received the injury on his ear which shows that his ear was completely broken due to the assault on his ear by means of a stone. As far as the provisions of the Atrocities Act are concerned, admittedly there is no statement that merely because the Informant belongs to the Scheduled Caste and Scheduled Tribe he was assaulted by the present Appellant. The statements of witnesses nowhere supports the contention of the Informant that the present Appellant has also abused him on his caste. Thus, even accepted that the provisions of the Atrocities Act are not applicable then also considering the nature of the injury sustained by the Informant is concerned, which is grievous in the nature, the medical certificate also discloses that the injuries sustained by him is grievous in nature, and therefore, no case is made out for grant of anticipatory bail. Accordingly, I proceed to pass the following order:

### **ORDER**

- i. The Appeal is **dismissed**.

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

**( URMILA JOSHI PHALKE, J.)**