



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

**CRIMINAL APPEAL NO. 328 OF 2025**

( Kishor S/o Dayaram Ghate & Anr.

**Vs.**

State of Maharashtra, Thr. PSO, PS Jalgaon Jamod, District Buldhana &  
Anr. )

|                                                                                                           |                           |
|-----------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
|-----------------------------------------------------------------------------------------------------------|---------------------------|

Mr. R.D. Karode, Advocate for the Appellants.

Mr. N.R. Rode, APP for the Respondent No.1/State.

Mr. N.D. Dawda, Advocate (Appointed) for the Respondent No.2.

**CORAM: URMILA JOSHI-PHALKE, J.**

**DATED : 20<sup>th</sup> AUGUST, 2025**

1. Heard.

2. **Admit.**

3. By preferring this Appeal, the Appellants have challenged the order dated 24.06.2025 passed by the learned Additional Sessions Judge, Khamgaon in Criminal Application (ABA) No.295/2025, rejecting the application for grant of anticipatory bail in connection with Crime No.278/2025 registered with Police Station Jalgaon Jamod, District Buldana under Sections 309(6), 126(2), 351(2), 3(5) of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 3(1)(r), 3(1)(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 Appellants

approached this Court for grant of anticipatory bail.

4. Heard learned Counsel for the Appellants who submitted that the cross complaints are registered regarding the said incident vide Crime Nos. 278 and 279/2025. The Appellants are arraigned as an accused in Crime No. 278/2025 which was registered on the basis of the report lodged by one Sambhaji Narayan Ingle on an allegation that at 08.06.2025 at about 09.30 a.m. to 10.25 a.m., when they were proceeding for taking darshan in Hanuman Temple, the present Appellants and other co-accused have assaulted them and by abusing them on their castes. As far as the allegations against the Appellant No.1 is concerned, it is alleged that he was holding a plastic log in his hand and the Appellant No.2 was holding stick in his hand and they have assaulted him by means of said weapons, due which he has sustained injuries as well as other prosecution witnesses have also sustained the injuries. On the basis of the said report, Police have registered the crime against the present Appellants.

5. Learned Counsel for the Appellants, submitted that due to previous enmity this false FIR is lodged in fact to give a counter blast FIR is lodged by Vishal Trayambak Dabhade. As far as the custodial interrogation is concerned, which is not required and no *prima facie* case is made out, and therefore, bar under Section 18 will not attract. He submitted that, the Appellants are ready to cooperate with the investigating agency. In view of that, they be protected by granting anticipatory bail.

6. Learned APP for the Respondent No.1/State and learned appointed Counsel for the Respondent No.2/Victim, strongly opposed the same on the ground that in view of bar under Section 18 the Application is rightly rejected by the learned Special Court, and therefore, no interference is called for. He has also invited my attention to the statements of the witnesses and submitted that the statements of the witnesses discloses the involvement of the present Appellants, and therefore, in view of bar under Section 18, the Appeal deserves to be dismissed.

7. After hearing both the sides and on perusal of the entire investigation papers and the statements of the witnesses, admittedly, cross complaints are filed against each other vide Crime Nos. 278 and 279/2025. Both party members have alleged against each other. As far as the anticipatory bail in respect of the Atrocities Act are concerned, which is barred under Section 18. On perusal of the recitals of the FIR and the investigation papers which shows that omnibus allegation is levelled against the Appellant No.2 as far as the abuses on the caste are concerned. It further appears that specific role is not attributed against the Appellant No.2. As far as the Appellant No.1 is concerned, there is specific allegation that he has not only assaulted the informant but also snatched the golden ornaments and committed the offence and caused the loss to the informant to the tune of Rs.60,000/-. Thus, considering the specific role attributed to the Appellant No.1 bar under Section 18 will attract but as far as the Appellant No.2 is concerned there is omnibus allegation levelled against the Appellant No.2, and

therefore, bar under Section 18 will not attract. In view of that the Appeal deserves to be allowed partly. Accordingly, I proceed to pass the following order:

### **ORDER**

- i.** The Appeal is **partly allowed**.
- ii.** The order passed by the learned Special Judge in Criminal Application (ABA) No.295/2025 dated 24.06.2025, rejecting the application for grant of anticipatory bail, is hereby quashed and set aside to the extent of Appellant No.2.
- iii.** The order passed by the learned Special Judge rejecting the application of the Appellant No.1, is hereby maintained.
- iv.** The Appellant No.2 – Bhagwat Dinkar Sapkal, shall be released on anticipatory bail in the event of his arrest, in connection with Crime No.278/2025 registered with Police Station Jalgaon Jamod, District Buldana under Sections 309(6), 126(2), 351(2), 3(5) of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and 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.

- v. The Appellant No.2 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.
  - vi. The Appellant No.2 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.
  - vii. The prayer of the Appellant No.1 for grant of anticipatory bail, is hereby rejected.
8. Fees of the learned Appointed Counsel for the Victim be quantified as per Rules.
9. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)