



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

CRIMINAL APPEAL NO.357 OF 2025

(Santosh s/o Bhagwan Kendre and anr. Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. S. Kulkarni, Advocate for the appellant.
Mr. VA. Thakare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JULY 28, 2025

By preferring this appeal, the appellants have challenged the order passed by the Special Judge i.e. Additional Sessions Judge, Mangrulpir rejecting the application of the present appellants for grant of anticipatory bail.

2. The appellants are apprehending arrest at the hands of police in connection with Crime No.129/2025 registered with police station Asegaon, District Washim for the offences punishable under Sections 109, 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(2)(va), 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the Atrocities Act' for short).

3. The crime is registered on the basis of report lodged by the informant Vicky Vinod Thombare on an allegation that on the day of incident i.e. on 15/06/2025 when he was in his agricultural field, at that time, the present appellants entered in his agricultural field,

assaulted him by fist and kick blows and also abused him on his caste. Thus, he has humiliated and insulted him within the purview of public view. On the basis of the said report, police have registered the crime against the present appellants. After registration of the crime, present appellants approached to the Special Court for grant of anticipatory bail but the Special Court has rejected the application in view of bar under Section 18, and therefore, they approached to this Court.

4. Learned Counsel for the appellants submitted that the FIR is lodged after two days after he is discharged from the hospital. There is no explanation as far as delay is concerned. After thought this FIR is lodged against the present appellants. Their custodial interrogation is not required. In view of that, they be protected by granting ad-interim anticipatory bail.

5. Learned APP strongly opposed the appeal and invited my attention towards the impugned order and submitted that four injuries are found on the person of the informant. He was assaulted by the present appellant No.1 by means of chain and two injuries are on shoulder region left and right. Second injury is at cervical region. Third injury is on right lumber region and the fourth injury is on right side of face of cheek below the right eye and the age of all these injuries is 24 hours. Moreover, the bar will attract as there is specific allegation against appellant No.1 that he has abused the informant on his caste. Thus,

bar under Section 18 of the Atrocities Act will attract, and therefore, the prayer for grant of anticipatory bail deserves to be rejected.

6. I have heard learned Counsel for both the sides and perused the recitals of the FIR as well as the order passed by the Special Court. On perusal of the recitals of the FIR it reveals that there is specific allegation against appellant No.1 that he has not only assaulted the informant, but also abused him on his caste knowingly that he belongs to the scheduled caste and scheduled tribes. The allegation further shows that appellant No.1 is having terror in the vicinity and by taking disadvantage of the same, he has assaulted the informant. As far as appellant No.2 is concerned general allegation is levelled against her, and therefore, she has made out a case for grant of ad-interim protection. Accordingly, I proceed to pass the following order:

- (i) Issue notice to the respondents, returnable after two weeks.
- (ii) Learned APP waives notice for the State and seeks time to file reply.
- (iii) The Police Station Officer, Police Station Asegaon, District Washim shall intimate respondent No.2.
- (iv) The prayer of appellant No.1 - Santosh s/o Bhagwan Kendre for grant of ad-interim anticipatory bail is hereby rejected.

(v) In the event of the arrest, the applicant No.2 – Rukminabai w/o Bhagwan Kendre in connection with Crime No.129/2025 registered with police station Asegaon, District Washim for the offences punishable under Sections 109, 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(2)(va), 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, be released on ad-interim anticipatory bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(vi) The appellant No.2 shall attend the concerned police station as and when required for the investigation purpose when issuing notice in advance of seven days and shall cooperate with the investigating agency.

(vii) 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.

7. The contravention of any of the condition would lead to the cancellation of bail.

(URMILA JOSHI-PHALKE, J.)