



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

CRIMINAL APPEAL NO.357/2025

(Santosh S/o Bhagwan Kendre and another Vs. State of Maharashtra, through Police Station Officer Police Station, Aasegaon, District Washim)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Sunil Kulkarni, Advocate for the appellants.
Mr. V.A. Thakare, A.P.P for respondent No.1/State.
Mr. O.Y. Kashid, Advocate for respondent No.2 (through Video Conferencing).

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 2.12.2025.

1. 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 Aasegaon, 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. While granting interim protection to appellant No.2 this Court has observed that *prima facie case* is made out against this appellant and appellant No.2 was protected by granting ad interim anticipatory bail.

5. After hearing the respective Advocates for the parties on 22.9.2025 this Court had shown disinclination to grant anticipatory bail. At that time, the appellant had sought permission to take instructions for withdrawal of appeal and matter was adjourned for one or the other reason.

6. Today when the matter was listed for dismissal, the learned Advocate for the appellant tried to argue the matter again and has filed judgments on record. As it was for dismissal and the mind was opened by this Court on 22.9.2025 there is no question of re-hearing.

7. Considering the allegations made against both the appellants and as the present appellants have uttered words insulting the accused and the injured in public view, no case is made out to protect them by granting anticipatory bail. Hence, the appeal is rejected.

(MRS.VRUSHALI V.JOSHI, J.)