



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

CRIMINAL APPEAL NO. 415 OF 2025

(Raj Khan Ansar Khan & Ors.

Vs.

State of Maharashtra, Thr. PSO, PS. Mahagaon, Yavatmal & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. M.N. Ali, Advocate for the Appellants.
Mr. N.R. Rode, APP for the Respondent/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 21st AUGUST, 2025

1. By preferring this Appeal, the Appellants have challenged the order dated 12.08.2025 passed by the learned Additional Sessions Judge, Pusad, rejecting the application for grant of anticipatory bail in connection with Crime No.406/2025 registered with Police Station Mahagaon, District Yavatmal under Sections 118(1), 189(2), 190, 191(2), 191(3), 352 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.

2. Heard learned Counsel for the Appellants who submitted that the present Appellants are apprehending the arrest at the hands of Police as crime is registered on the basis

of the report lodged by Piyush Prakash Kamble alleging that on 19.07.2025 at about 03.00 p.m., when he came from his agricultural land the other co-accused raise a quarrel with him on account of sand was kept in front of his house and on that count the co-accused has abused him on his caste. After that the present Appellants also came there and assaulted him by means of fist and kick blows and other co-accused Sonu Khan has assaulted him by means of iron rod. On the basis of the said report, Police have registered the crime against the present Appellants.

3. Learned Counsel for the Appellants, submitted that even after considering the entire FIR the allegations of abuses on caste are not levelled against the present Appellants. The role attributed to them is assault by fist and kick blows, and therefore, the bar under Section 18 will not attract, nothing is to be recovered from them. In view of that, they be protected by granting *ad interim* anticipatory bail.

4. Learned APP for the Respondent/State strongly opposed the same on the ground that it was the consolidated act of all the Appellants as well as the other co-accused, and therefore, bar under Section 18 will attract. In view of that, the prayer for grant of *ad interim* anticipatory bail deserves to be rejected.

5. After hearing both the sides and on perusal of the recitals of the FIR, admittedly, the allegation of abuses on the caste are not levelled against the present Appellants but it is levelled against the co-accused Ayan Khan. The assault by iron rod is also attributed to the accused Sonu Khan. As far as

the present Appellants are concerned, only allegation is that they have assaulted the informant by means of fist and kick blows. Admittedly, nothing is to be recovered from them. The bar under Section 18 will also not attract. In view of that the prayer for grant of *ad interim* anticipatory bail deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- i. In the event of the arrest, the Appellant No.1- Raj Khan Ansar Khan, Appellant No.2- Danish Khan Farukh Khan and Appellant No.3- Fazal @ Pyaru Khan Farukh Khan in connection with Crime No.406/2025 registered with Police Station Mahagaon, District Yavatmal under Sections 118(1), 189(2), 190, 191(2), 191(3), 352 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, be released on *ad-interim* anticipatory bail, on executing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.
- ii. The Appellants 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. and shall cooperate with the investigating agency.

- iii. The Appellants 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.
 - iv. The Appellants shall not indulge themselves in similar type of activities. A single incident if reported would lead to cancellation of bail.
6. Issue notice to the Respondent No.2, returnable after two weeks.
7. The Respondent No.2, be intimated through Police Station Officer, Police Station Mahagaon, District Yavatmal.

(URMILA JOSHI-PHALKE, J.)