IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

928 CRIMINAL APPEAL NO. 662 OF 2026

Nandakishor Alias Pappu Dinkar Jarange ....Appellant

VERSUS

The State of Maharashtra & another .....Respondents

Mr. R. V. Gore, Advocate for Appellant
Mr. A. R. Kale, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 23rd OCTOBER, 2026.

PER COURT :

1. Appellant seeks pre-arrest bail in connection with Crime No. 230/2026, registered with Chaklamba Police Station, District Beed, for the offences punishable under Sections 74, 75, 79, 351(2), 126 of Bharatiya Nyaya Sanhita and Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. First Information Report indicates that the informant, who is a lady, claims to have gone to the spot for attending nature's call. She alleges that the present Appellant came there, caught hold her hand, gagged her mouth and outraged her modesty. She claims that she raised shouts and at that time, her relatives and others came to the spot.

3. Learned Counsel for Appellant submits that the place of the alleged incident is near the cattle shed of the Appellant and on account of attending nature's call at that place dispute occurred between the Appellant and informant's side. It is his submission that there is no allegation in the First Information Report which would attract provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. He, therefore, seeks liberty of the Appellant be protected since this is not a case of custodial interrogation of the Appellant.

4. Learned APP and learned Counsel for the informant opposed grant of any relief to the Appellant by referring to the allegations in the First Information Report. Learned APP drew attention of the court to the statements recorded during the course of investigation indicating that such incident was reported immediately by the informant to those witnesses who went to the spot. It is his submission, by referring to the spot panchanama, that the incident has not occurred near the cattle shed of the Appellant in order to accept his submission with regard to the dispute between the parties at the spot. Learned APP further submits that no such specific plea

has been raised by the Appellant before the Sessions Court so also in the appeal memo before this Court with regard to previous disputes between the parties. Learned Counsel for the informant places reliance on judgment of Hon'ble Supreme Court in case of Kiran vs. Rajkumar Jivraj Jain and another, **(2025) AIR(SC) 4083** to contend that the order passed by this Bench came to be challenged before the Supreme Court and it was set aside.

5. Prima facie perusal of the record indicates that there is nothing mentioned in the First Information Report that the incident in question has occurred for the reason that the informant belongs to Scheduled Caste community. Learned Counsel for the Appellant submits that the place of incident is near the cattle shed of the Appellant and, therefore, there is reason to believe that there is dispute between the parties on the issue of answering nature's call at that place. Needless to say that the spot panchanama which is part of investigation papers is not within the knowledge of learned Counsel for the Appellant. Though it is sought to be argued on behalf of the informant that the incident has occurred on the public road, none of the witnesses who immediately came to the spot even could see the Appellant fleeing from the spot. Having regard to these

facts this Court finds substance in the contention of learned Counsel for the Appellant that offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not made out against the Appellant. Considering these facts an also in view of the fact that this could be a case of false implication, liberty of the Appellant deserves to be protected. Hence, the following order :-

ORDER

(i) In the event of arrest of appellant Nandakishor Alias Pappu Dinkar Jarange, in connection with Crime No.230/2026, registered with Chaklamba Police Station, District Beed, for the offences punishable under Sections 74, 75, 79, 351(2), 126 of Bharatiya Nyaya Sanhita and Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act ., he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.

(ii) He shall attend the concerned police station as and when called.

(iii) He shall not contact the witnesses directly or indirectly.

(iv) He shall not interfere with the evidence in any manner whatsoever.

(v) He is further directed to cooperate the investigating agency for further investigation.

(vi) Learned APP to communicate this order to the concerned Investigating Officer.

(R. M. JOSHI, J.)

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