IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

928 CRIMINAL APPEAL NO. 762 OF 2026

Anant Ramesh Nikam ....Appellant

VERSUS

The State of Maharashtra & others .....Respondents

Mr. D. S. Bagul, Advocate for Appellant
Mr. S. P. Joshi, APP for the State.
Mr. H. A. Karad, Advocate holding for Mr. A. V. Hon, Advocate for the Informant.

CORAM : R. M. JOSHI, J.
DATE : 1st OCTOBER, 2026.

PER COURT :

1. This appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act takes exception to the order passed by the Special Judge, rejecting the pre-arrest bail of the Appellant and seeks pre-arrest bail of the Appellant.

2. First Information Report indicates that according to the Informant the incident had occurred on 22.07.2026 at about 11.00 am when the present Appellant came to the site where the informant was working. He abused him over his caste and asked for return of money. When the informant refused to pay money for want of the same, Appellant is said to have assaulted the informant with knife on

his abdomen. There is further allegation of Appellant robbing him of Rs.10,000/- and attempting to remove amount of Rs. 40,000/- from the pocket of his pant. When two witnesses came to the spot, Appellant has also assaulted them.

3. Learned Counsel for the Appellant submits that the present report came to be lodged at the instance of the sitting MLA since Appellant is the one who lodged complaint in respect of the illegal mining of land belonging to Abjijeet Bharne. It is his submission by referring to the documents placed on record that Appellant was present during conducting of panchanama as it is reflected from the panchanama and therefore, there is no substance in the allegations against him. According to him, this is a fit case wherein appropriate directions are required to be issued to the Investigating Officer for conducting investigation from the said angle including recording of statement of revenue authorities and police personnel who came to the spot pursuant to the phone call made by the Appellant.

4. Learned APP and learned Counsel for the informant opposed grant of any relief to the Appellant by referring to the allegations

against the Appellant in the First Information Report so also injury certificate which supports the same.

5. Prima facie perusal of the record indicates that there is First Information Report lodged by the informant specifically stated alleged acts committed by the Appellant against him including the act of abusing him over his caste. There is allegation of using knife to cause assault on the informant which gets support from the injury certificate placed on record. It is not open for this Court at this stage to discard said statement/evidence unless there is any contrary evidence placed on record which would create doubt with regard to its veracity.

6. Perusal of record sought to be placed before this Court by the Appellant indicates that said panchanama at the most indicates presence of Appellant at about 12.00 noon in the other land. There is dispute about the fact that both the places are nearby to each other. Therefore, it cannot be said that Appellant's presence at the spot of offence is impossible. The documents sought to be placed on record by Appellant are not sufficient to accept his case of denial of his involvement in the crime. Having regard to these facts, this Court

finds no justification in discarding the statement of the informant which is supported by medical certificate.

7. Apart from the fact, when offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the Appellant bar of Section 18 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, gets attracted to the case. In the circumstances of the case, custodial interrogation of the Appellant would be necessary for recovery of weapon used in the crime.

8. Hence, appeal stands dismissed.

(R. M. JOSHI, J.)

dyb