



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 166 OF 2025

Amol Dnyandeo Bhosale

Age: 36 years, Occ. Agri,

R/o. Nimgaon Khalu, Tq. Shrigonda,

Dist. Ahilyanagar.

.... APPELLANT

V/s.

1. The State of Maharashtra,
Through Police Station Officer
Shrigonda Police Station,
Tq. Shrigonda, Dist. Ahilyanagar.

2. The Superintendent of Police,
Ahilyanagar, Dist. Ahilyanagar.

3. Tarabai Kailas Kambale
Age: 50 years, Occu. Household,
R/o. Nimgaon Khalu, Tq. Shrigonda,
Dist. Ahilyanagar.

.... RESPONDENTS

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Advocate for the Appellant : Mr. Rahul R. Karpe

APP for Respondent/State : Mr. D.B Bhange

Advocate for the Resp. No.3 : Mr. Nilesh N. Bhagwat (Appointed)

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CORAM : Y.G. KHOBRAGADE, JJ.

RESERVED ON : 07.04.2026

PRONOUNCED ON : 20.04.2026

ORDER :-

1. Heard advocate Mr.R.R. Karpe the learned counsel appearing
for the appellant, Mr. Bhange the learned APP for the respondent nos.1 and

2 and Mr. N.S. Bhagwat, the learned counsel appearing for the respondent no.3.

2. By the present appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the appellant/accused has challenged the order dated 24.02.2025 passed in Cri. Misc. Application No.72/2025 by the learned Additional Sessions Judge, Shrigonda, Dist. Ahilyanagar, thereby rejecting the anticipatory bail to the present appellant/accused, however, another accused Ganesh Dnyandeo Bhosale was released on anticipatory bail.

3. The learned counsel appearing for the appellant canvassed that, the respondent no.3 lodged the FIR with Shrigonda Police Station alleging that the present appellant is the brother of accused no.2 and both the accused are her neighbours and they always quarrel with her. So also, the accused persons always put cow dung on the way to lavatory (bathroom). So also, the present appellant/accused always bath in open near to her house with an intention to harass her. On 24.01.2025, at about 7.00 am when her husband had gone to Pune, at about 12.30 pm the villagers visited at her house to end the quarrel with the accused persons but the accused persons were adamant, hence, said villagers left her house.

Thereafter, at about 1.00 pm the present appellant/accused and his brother another accused-Ganesh abused her in filthy language and when she was giving understanding the present appellant/accused abused her on caste by saying 'तुम्ही चांभारडे आमचे काही वाकडे करु शकत नाही, तुम्हाला काय कराचये ते करुन घ्य, मी तुमचा रस्ता आडवुन तुम्हाला रस्त्यारुन जाउ देणार नाही'. On the basis of said report, Crime No.60/2025 was registered with Shrigonda Police Station on 25.01.2025 for the offence punishable under Section 351(2), 352, of the BNS Act and under Section 3(1)(b), 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant/accused and his brother Ganesh filed Cri. Misc. Application No.72/2025 and prayed for anticipatory bail. On 24.02.2025, the learned trial Court released the accused no.2/Ganesh Bhosale on anticipatory bail but declined to grant anticipatory bail to the present appellant.

4. The learned counsel appearing for the appellant canvassed that, as per the contents of FIR the incident of castiest slur has not occurred within the public view. So also, the respondent no.3/informant has not stated in the FIR that the present appellant/accused is not belonging to other caste than the scheduled caste and with an intention the appellant/accused abused the informant on her caste. Therefore, offence

under Section 3 of the SC-ST Act prima facie is not constituted. Hence, under Section 18 of the SC-ST Act no bar is created to enlarge the appellant/accused on anticipatory under Section 482 of the BNS. In support of these submissions, the learned counsel appearing for the appellant placed reliance on the following case laws:

- i) *Criminal Appeal No.351/2020 (Dada @ V/s. State of Maharashtra & Anr.) decided on 10.08.2020 (Coram : Shrikant D. Kulkarni, J.).*
- ii) *Criminal Appeal No.190/2019 decided on 08.04.2019 (Jairam s/o Shankarrao Tale V/s. The State of Maharashtra & Anr.) (Coram : K.K. Sonawane, J.).*
- iii) *Criminal Appeal No.464/2023 decided on 18.12.2023 (Punjabrao Wasudeo Kokate & Ors. V/s. State of Maharashtra & Anr.) (Coram : Urmila Joshi-Phalke, J.)*
- iv) *Prathvi Raj Chauhan V/s. Union of India & Ors.; [2020] 2 S.C.R. 727.*

5. Per contra, the prosecution has filed affidavit in reply of Mr. Pravin Vishwasrao Lokhande, the S.D.P.O, Karjat Division, Ahilyanagar and resisted the appeal. The learned APP canvassed that, the present appellant/accused abused the informant/respondent no.3 on her caste in public view when the informant was giving understanding not to cause

obstacle on the way to lavatory (bath room). So also, the present appellant/accused always take bath in open place near the house of the informant just to harass her. Therefore, offence punishable under Section 3(1)(r)(s) and 3(2)(v) is constituted and under Section 18 of the SC-ST Act bar is created to enlarge the accused on anticipatory bail.

6. The respondent no.3/informant has filed affidavit in reply and strongly opposed the appeal. The say of the respondent no.3 is in tune with the prosecution. The learned counsel appearing for the respondent no.3 submits that, on 19.03.2025, this Court passed an order and granted ad interim anticipatory bail to the appellant/accused on certain conditions including condition no.(a) that the appellant shall not enter village Nimgaon Khalu, Tq.Shrigonda, Dist. Ahilyanagar and shall report his whereabouts to the Investigating Officer. It is further contended that after the ad interim anticipatory bail is granted to the present appellant/accused he has entered village Nimgaon Khalu on number of times. In order to prove the fact of breach of bail condition by the appellant/accused, the prosecution has filed additional affidavit along with the statement of CDR and DSR showing location of mobile of appellant and contended that sim card used by the appellant/accused bearing sim no.9326756492 shows tower location w.e.f. 01.06.2025 to 12.11.2025 and as per the said CDR

the present appellant/accused entered in village Nimgaon Khali on number of times. Therefore, the appellant/accused has violated the bail condition and prayed for dismissal of the appeal.

7. Per contra, the learned counsel for the appellant has filed rejoinder affidavit and stated that he has not violated any condition of bail imposed by this Court while granting interim protection. The appellant/accused further submits that he is temporarily residing at Daund, Dist. Pune and as per the ad interim order dated 19.03.2025 he is required to attend the Shrigonda Police Station and is therefore required to use the road which passes through Daund – Nimgaon Khalu – Kashti – Shrigonda. The concern mobile tower may have recorded his location and there is no intention to enter into village Nimgaon Khalu.

8. It is submitted that while considering the anticipatory bail for the offence punishable under Section 3 of the SC-ST Act, it is necessary to consider whether the castiest slur at the hands of the accused to the informant is hurled within the public view and with an intention to insult or annoy the member of scheduled caste or scheduled tribe. In the case of **Kiran V/s. Rajkumar J. Jain; AIR 2025 SC 4083**, it has been held that Section 18 expressly excludes the applicability of Section 438 of the Cr.P.C., if the incident has occurred within public view. In other words, in

relation to any case involving arrest of a person who is facing the accusation about committing offence under this Act, protection of Section 438 Cr.PC. would not be available. The legislature has taken away the benefit of anticipatory bail in respect of the arrest for the offences alleged under the SC/ST Act. The bar under Section 18 of the SC/ST Act would operate.

9. By keeping the said ratio in mind and the law laid down by the Hon'ble Supreme Court in above cited case, I have gone through the FIR. As per the contents of the FIR, on 24.01.2025 at about 7.00 am when the husband of respondent no.3 had gone to Pune, at about 12.30 pm the villagers visited at her house to end the quarrel with the accused persons but the accused persons were adamant, hence, said villagers left her house. Thereafter, at about 1.00 pm the present appellant/accused and his brother another accused-Ganesh abused her in filthy language and when she was giving understanding the present appellant/accused abused her on caste by saying 'तुम्ही चांभारडे आमचे काही वाकडे करु शकत नाही, तुम्हाला काय कराचये ते करुन घ्य, मी तुमचा रस्ता आडवुन तुम्हाला रस्त्यारुन जाउ देणार नाही'. However, the said FIR does not reflect that the present appellant/accused hurled castiest slur to informant by saying "Chamarde" (cobbler) in public view. The FIR also does not reflect that whether the accused had abused the

informant on her caste by standing on the road or in front of her house. Therefore, to my mind as per the law laid down in **Kiran** cited (supra) bar is not created to enlarge the appellant/accused on anticipatory bail. On 19.03.2025, this Court has already passed an order and enlarged the appellant/accused on ad interim anticipatory bail on certain terms and conditions.

10. According to the learned APP and the learned counsel appearing for the respondent no.3, the present appellant/accused violated condition no.4(a) of order dated 19.03.2025 because the appellant/accused into village Nimgaon-Khalu. No doubt, the prosecution has filed additional affidavit along with CDR and SDR of sim bearing no.9326756492 used by the present appellant/accused. The appellant/accused has not denied about having said sim registered in his name. As per the tower location, it appears that the mobile of the present appellant/accused was found within the tower location of gut no.318, Nimgaon Khalu. The details of CDR and SDR entries are as under:

MONTH OF JUNE 2025

DATE	TIMING	MONDAY ON
01/06/2025	19.49,20.34	02/06/2025
03/06/2025	19.15	09/06/2025
05/06/2025	20.3	16/06/2025
08/06/2025	11.19,15.21	23/06/2025
10/06/2025	15.19	30/06/2025
11/06/2025	15.39, 20.28	

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14/06/2025	19.50
15/06/2025	18.23
16/06/2025	18.23
17/06/2025	15.14
18/06/2025	19.45, 20.24
21/06/2025	10.55, 14.11
23/06/2025	18.28, 19.04, 19.43, 12.51
26/06/2025	14.41, 20.42,
29/06/2025	17.40
30/06/2025	19.04

MONTH OF JULY 2025

DATE	TIMING	MONDAY ON
01/07/2025	10.05	07/07/2025
02/07/2025	19.10	14/07/2025
03/07/2025	14.22, 16.22, 17.06, 19.48	21/07/2025
08/07/2025	15.16, 20.58	28/07/2025
10/07/2025	14.05, 18.46	
11/07/2025	21.24	
13/07/2025	19.31, 20.08	
14/07/2025	19.31, 20.08	
16/07/2025	19.50	
17/07/2025	18.06, 11.31	
22/07/2025	20.59	
24/07/2025	21.46	
26/07/2025	19.05, 19.15, 19.23	
31/07/2025	20.02, 19.48	

MONTH OF AUGUST 2025

DATE	TIMING	MONDAY ON
01/08/2025	13.02	04/08/2025
02/08/2025	21.26, 22.04	11/08/2025
03/08/2025	15.11, 20.03	18/08/2025
04/08/2025	15.57	25/08/2025
05/08/2025	19.04, 19.20	
06/08/2025	14.00, 14.03	
07/08/2025	19.59, 20.45	
08/08/2025	18.35, 19.13, 19.30, 12.11, 20.11	
09/08/2025	12.15	
10/08/2025	18.42	
11/08/2025	14.47, 16.46	
12/08/2025	14.23, 19.17	
13/08/2025	19.23, 15.57	

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15/08/2025	13.23, 19.22
16/08/2025	15.37, 19.46, 21.16
17/08/2025	13.22, 13.44, 19.05, 21.20
18/08/2025	15.13
19/08/2025	16.41
20/08/2025	18.00
26/08/2025	14.46, 19.07
30/08/2025	17.41
31/08/2025	19.55

MONTH OF SEPTEMBER 2025

DATE	TIMING	MONDAY ON
01/09/2025	13.29, 16.02, 19.13, 19.40	01/09/2025
02/09/2025	14.31, 19.16	08/09/2025
06/09/2025	15.58	15/09/2025
07/09/2025	15.27, 17.59, 18.27	22/09/2025
09/09/2025	14.16, 19.14	26/09/2025
10/09/2025	14.59	
15/09/2025	14.32	
16/09/2025	11.27, 19.33	
18/09/2025	13.32, 17.47, 21.02	
19/09/2025	12.52, 13.05	
20/09/2025	19.45	
22/09/2025	14.05	
24/09/2025	13.47, 18.24	
26/09/2025	18.37	
29/09/2025	13.32, 15.18	

MONTH OF OCTOBER 2025

DATE	TIMING	MONDAY ON
01/10/2025	16.25	06/10/2025
04/10/2025	13.38	13/10/2025
05/10/2025	13.40, 18.43	20/10/2025
06/10/2025	13.28	27/10/2025
07/10/2025	15.19	
09/10/2025	14.35	
11/10/2025	20.25	
20/10/2025	16.35	
23/10/2025	22.36	
24/10/2025	19.55	
25/10/2025	12.45	
29/10/2025	14.13, 16.53	

11. As per the rejoinder affidavit filed by the present appellant/accused, it appears that he is residing at Daund, Dist. Pune and attending the Investigating Officer / Police Station at Shrigonda and he is required to pass through Daund – Nimgaon Khalu – Kashti – Shrigonda road. Therefore, there is every possibility of mobile tower showing location of gut no.318, Nimgaon Khalu. Therefore, considering the nature of accusations as well as the terms and conditions imposed by this Court under order dated 19.03.2025 the appellant shall not enter into village Nimgaon Khalu and if hereinafter his presence is found in said village, in that event the respondent no.3 shall be at liberty to file appropriate application before the trial Court for cancellation of anticipatory bail.

12. In view of above discussion, I am inclined to grant the present appeal and proceed to pass the following order:

ORDER:

i. The impugned order dated 24.02.2025 passed by the learned Additional Sessions Judge, Shrigonda in Criminal Bail Misc. Application No.72/2025 is hereby quashed and set aside.

ii. The ad interim order granted by this Court on 19.03.2025 to appellant/Amol Dnyandeo Bhosale enlarging him on anticipatory bail is hereby extended till the conclusion of the trial.

- iii. The fees of the appointed counsel be quantified as per rules and it be paid by the High Court Legal Services Authority.
- iv. Accordingly, criminal appeal is disposed of.

[Y.G. KHOBRAGADE, J.]