



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

941 CRIMINAL APPEAL NO. 637 OF 2025

**AMOL GANPAT RATHOD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

.....
Advocate for Appellant : Mr. Shaikh Abid R.
APP for Respondents/State : Mr. P.M. Kulkarni
Advocate for R/2 : Mr. Jitendra S. Jain (Appointed)
.....

**CORAM : Y.G. KHOBRADE, J.
DATE : 17.01.2026**

PC.:-

1. Heard Mr. Shaikh Abid the learned counsel appearing for the appellants/accused and Mr. Kulkarni the learned APP for the respondent/state and Mr. Jain the learned counsel for the respondent no.2/informant appointed through the legal aid at length.

2. By the present appeal, the applicant/accused prayed for anticipatory bail in connection with Crime No.0246/2025 registered with Kinwat Police Station on 01.08.2025 for the offence punishable under Section 352, 351 (2), 3(5) of the BNS Act, 2023 and under Section 3 (1) (r), 3 (1) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. On perusal of FIR dated 01.08.2025, it appears that the

respondent no.2/informant was alone at her house on 20.07.2025 at 10.30 to 11.00 am and at that time the appellants/accused nos.1 to 3 visited at her house and threatened that if she do not withdraw the police complaint lodged against one Sukhdeo Dongre in that event they would kill her and her children. So also, the appellant no.1 is the editor and reporter and he would publish the news to defame her. The FIR does not disclose that the accused persons abused the informant on her caste when they visited at her house, however, it appears that all the accused persons threatened her for withdrawal of the complaint lodged by her against one Sukhdeo Dongre. Perused the affidavit in reply filed on behalf of the respondent no.3.

3. Therefore, to my mind, necessary ingredients to constitute offence punishable under Section 3 of the SC & ST Act are not made out. Therefore, considering the law laid down in the case of **Kiran V/s. Rajkumar Jain; AIR 2025 SC 4083**, the appellants/ applicants have made out a *prima facie* case to enlarge them on pre-arrest bail.

4. It is submitted that on 22.08.2025, this Court passed an order and enlarged the appellants on anticipatory bail on furnishing PR bond of Rs.25,000/- each with solvent sureties in the like amount. Therefore, considering the nature of crime, it would be just and proper to extend the

interim order dated 22.08.2025 passed by this Court till the conclusion of the trial.

5. In view of above, the appeal is disposed of. The interim order granted on 22.08.2025 shall remain in force till the conclusion of the trial. Since Mr. Jain the learned counsel appearing for the respondent no.2 appointed to defend the cause of the informant/respondent no.2 through the legal aid, therefore, the fees of the appointed counsel be quantified as per rules.

[Y.G. KHOBRADE, J.]