



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CRIMINAL APPEAL NO. 778 OF 2025

TANAJI NARAYAN BHADAKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for Appellant : Mr. Kadam Gajanan G.
APP for Respondents/State : Mr. S.S. Dande
Advocate for the R/2 : Mr. Boinwad Omgashad B.
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CORAM : Y.G. KHOBRAGADE, J.
DATE : 02.04.2026

PC.:-

1. In pursuance of order dated 27.03.2026, Mr. Dagadu Sayappa Hake, the Deputy Superintendent of Police, Bhokar Division, Dist. Nanded has filed affidavit and stated that he has arrested the absconding accused Ankush Shankar Jadhav and Poshetti Maroti Karewad on 28.03.2026 in connection with Crime No.461/2025 registered with Bhokar Police Station on 20.09.2025. The said affidavit is taken on record.
2. Having regard to the submissions canvassed on behalf of both the sides, I have gone through the appeal memo, documents as well as reply filed on behalf of respondent no.1/prosecution and respondent no.2/informant.

3. By the present appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant/accused take exception to the order dated 03.10.2025 passed in Criminal B.A. No.101/2025 by the learned Additional Sessions Judge / Special Judge, Bhokar, Dist. Nanded thereby declined to release the appellant/accused on anticipatory bail in connection with Crime No.461/2025 registered with Bhokar Police Station on 20.09.2025 for the offence punishable under Section 308(3), 296, 351(2), 351(3), 3(5) of the BNS Act and under Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. On the face of record it appears that, on 20.09.2025, the respondent no.2/informant lodged a oral report with the Bhokar Police Station alleging that, on 17.09.2025, the present appellant and other two accused i.e. Ankush Shankar Jadhav and Poshetti Maroti Karewad had been to the house of Balaji Dashrath Pujalwad, the brother in law of the informant and demanded Rs. Ten Lakhs to settle the dispute which was pending before the Sub-Divisional Officer, Bhokar. When his brother asked the accused that they are not concerned with the said land or dispute and no such amount would be paid to them, thereafter, the present appellant/accused abused him by saying that, they are not having capacity to get One Crore Rupees from the

Government and in case if they fail to pay the said amount in that event he will cause obstruction while getting the compensation. Thereafter, the present appellant and other associates abused the informant and his family members on their caste. On the basis of said FIR, Crime No.461/2025 was registered against the present appellant/accused and his associates for the offence punishable under Section 308(3), 296, 351(2), 351(3), 3(5) of the BNS Act and under Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. On perusal of contents of FIR, it *prima facie* appears that, the accused and his associates abused the informant on his caste in chorus within the public view. However, the respondent no.2/informant has not worded specific castiest slur at the hands of the appellant and filthy language which was used.

6. The learned counsel appearing for the appellant canvassed that in the FIR two instances are given by the respondent no.2/informant i.e. abusement inside the house of brother in law of the informant and second part of abusement on caste allegedly occurred in public view i.e in front of the house of his brother in law. However, said abusement on the caste is in chorus which is not probable, so also, said castiest slur has not been worded. Therefore, under Section 18 of the Act no bar is created to enlarge the

appellant/accused on anticipatory bail under Section 482 of the BNS 2023. The learned counsel appearing for the appellant further submits that the present petitioner stood as a witness for Shankar Jadhav the father of the main accused-Ankush Jadhav in civil suit no.30/2015 and therefore out of grudge the respondent no.2/informant lodged the false FIR against the present appellant and his two associates.

7. Per contra, the prosecution has filed reply affidavit and strongly resisted the appeal on the ground that, the incident of abusement on the caste to the respondent no.2 occurred in public view with an intention to insult the respondent no.2 in the society on account of failure to fulfill the demand of Rs. Ten Lakhs for withdrawal of objection in the matter of compensation in respect of land acquisition proceedings. So also, there are eye witnesses who have supported contents of the FIR. Therefore, under Section 18 of the Act bar is created to enlarge the appellant/accused on anticipatory bail, hence, prayed for dismissal of the appeal.

8. The respondent no.2 has filed affidavit in reply and opposed the appeal on the ground that, the present appellant/accused and his associates were pressurizing the informant/respondent no.2 for withdrawal of cases, so also, the appellant has made contradictory statements in respect of evidence in the civil suit no.30/2015. Further, the incident of castiest slur at the hands

of the appellant/accused occurred in front of house of informant's brother in law within the public view. Therefore, the appellant is not entitled for anticipatory bail and hence prayed for dismissal of the appeal.

9. In the case of **Pratik and Ors. V/s. The State of Maharashtra and Ors.; 2020 (3) Bom CR (Cri.) 238**, wherein it has been observed that, as per the contents of FIR all seven accused persons stated to have abused the informant in chorus which is unrealistic. Abuses or utterances cannot be in chorus as two men or women do not think alike at the same time. What is going on in the mind of another person cannot be revealed and, therefore, especially the abuses cannot be in chorus, under these circumstances the accused persons were released on anticipatory bail.

10. In ***Prathvi Raj Chauhan Vs. Union of India and Ors; (2020) 4 SCC 727***, wherein it has been held that if the complaint does not make out a *prima facie* case for applicability of the provisions of the Act of 1989, the bar created by section 18 and 18A (i) shall not apply.

11. In the case of **Karuppudayar V/s. State represented by the Deputy Superintendent of Police and Ors.; AIR 2025 SC 705**, the Hon'ble Supreme Court observed in para 10 as under:

10. The term "any place within public view" initially came up for consideration before this Court in the case of [Swaran Singh and others v.](#)

State through Standing Counsel and another. This Court in the case of Hitesh Verma v. State of Uttarakhand and another referred to Swaran Singh(supra) and reiterated the legal position as under:

“14. Another key ingredient of the provision is insult or intimidation in “any place within public view”. What is to be regarded as “place in public view” had come up for consideration before this Court in the judgment reported as Swaran Singh v. State [Swaran Singh v. State, (2008) 8 SCC 435 : (2008) 3 SCC (Cri) 527] . The Court had drawn distinction between the expression “public place” and “in any place within public view”. It was held that if an offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, then the lawn would certainly be a place within the public view. On the contrary, if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then it would not be an offence since it is not in the public view (sic) [Ed. : This sentence appears to be contrary to what is stated below in the extract from Swaran Singh, (2008) 8 SCC 435, at p. 736d-e, and in the application of this principle in para 15, below: “Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view.”] . The Court held as under :

28. It has been alleged in the FIR that Vinod Nagar, the first informant, was insulted by Appellants 2 and 3 (by calling him a “chamar”) when he stood near the car which was parked at the gate of the premises. In our opinion, this was certainly a place within public view, since the gate of a house is certainly a place within public view. It could have been a different matter had the alleged offence been committed inside a building, and also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view. We must, therefore, not confuse the expression

“place within public view” with the expression “public place”. A place can be a private place but yet within the public view. On the other hand, a public place would ordinarily mean a place which is owned or leased by the Government or the municipality (or other local body) or gaon sabha or an instrumentality of the State, and not by private persons or private bodies.”

(emphasis in original)”

12. In the case of **Kiran V/s. Rajkumar J. Jain; AIR 2025 SC 4083**, wherein it has been held that Section 18 expressly excludes the applicability of Section 438 of the Cr.PC., 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 in Section 18 of the SC/ST Act would operate.

13. In the case in hand, the castiest slur at the hands of the appellant and his associates appear to have occurred in chorus in front of house of informant's brother in law. However, the respondent no.2 has not specifically worded the castiest slur and filthy language uttered by the appellant and his associates. Therefore, to my mind as per the ratio laid down in the case of **Kiran V/s. Rajkumar J. Jain; AIR 2025 SC 4083**, under Section 18 of the Act

no bar is created for grant of anticipatory bail under Section 482 of the Cr.P.C. (old section 438).

14. On 15.10.2025, this Court passed an order and enlarged the appellant/accused on ad interim anticipatory bail on certain terms and conditions which reads as under:

“(i) Until returnable date in this matter, in the event of arrest of the appellant in connection with Crime bearing FIR No.0461/2025 registered 20.09.2025 with Bhokar Police Station, District Nanded, he is directed to be released on bail on his furnishing PR bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand Only) with one or more sureties in the like amount.

(ii) The appellant shall attend the concerned Police Station on every Monday at 11.30 am, until further orders and shall cooperate with investigation.

(iii) The appellant shall furnish details of residential address and other contact details such as the mobile number etc. to the concerned Police Station. If there is any change in contact details, same shall be immediately informed to the concerned Police Station.

(iv) The appellant shall not contact and/or influence the witness/es and/or tamper with evidence in any manner whatsoever.

(v) The appellant shall not enter within jurisdiction of village Shingarwadi, Taluka Bhokar, District Nanded, until further orders.”

15. However, it has been informed to this Court that till date the appellant/accused has not entered into the bond and no sureties are furnished though he is regularly attending the concerned police station on every Monday at about 11.30 am. Therefore, it appears that the appellant has

complied with the condition nos. (ii) to (v) except the condition no.(i) of ad interim order dated 15.10.2025. Therefore, it will be just and proper to direct the appellant to appear before the Investigating Officer on 06.04.2026 at about 11.30 am and he shall furnish the bail bond and sureties as per order dated 15.10.2025.

16. Needless to say that after the order of ad interim anticipatory bail is passed, it is the duty of the appellant/accused to attend the concerned I.O./Police Station and to tender order of ad interim anticipatory bail and is required to furnish the bail bond and sureties immediately as per Chapter XVI (Para 6) of Criminal Manual. So also, the accused is bound to comply with all the terms and conditions of the bail order. Similarly, it is the duty of the Investigating Officer to call upon the appellant/accused to enter into bail bond and to submit the details as may be ordered by the Court and is required to draw formal arrest panchanama. However, in the case in hand no such formalities have been complied either by the appellant/accused or the Investigating Officer. Therefore, hereinafter all the Investigating Officers are cautioned and directed to comply with the terms and conditions of the order and shall call upon the appellant/accused to immediately enter into bail bonds soon after the order of ad interim anticipatory bail is passed and the

appellant/accused are released on ad interim anticipatory bail in each and every crime.

17. In view of above discussion, the impugned order dated 03.10.2025 passed in Criminal B.A. No.101/2025 by the learned Additional Sessions Judge / Special Judge, Bhokar is hereby quashed and set aside. The ad interim order dated 15.10.2025 passed by this Court shall continue till the conclusion of the trial. However, it is made clear that till date no charge-sheet has been filed, therefore, the appellant/accused shall attend the concerned Investigating Officer till the filing of the charge-sheet and shall cooperate in the investigation. Other conditions remain unchanged. Accordingly, the appeal is disposed of.

18. Registry is directed to circulate a copy of this order to the Head / In charge of all the police stations falling under the jurisdiction of this Bench.

[Y.G. KHOBRADE, J.]