



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

42 CRIMINAL APPEAL NO. 866 OF 2025

**DATTA ALIAS DATTATRAYA KONDIBA YEVLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. R. G. Hange, h/f Mr. Anirudh R. Hange, Advocate the
Appellant

Mr. K. S. Patil, APP for Respondent No.1 – State

Ms Ranjita R. Barhate, Advocate (Appointed through Legal Aid),
for Respondent No.2

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CORAM : Y. G. KHOBRAGADE, J.

DATE : March 09, 2026

PER COURT :-

1. Heard the learned counsel for the appellant, the
learned APP for respondent No.1 and the learned counsel for
respondent No.2.

2. By the present appeal, the appellant / accused takes
exception to the order dated 03.11.2025, passed below Exh.1 in
Criminal Bail Application No.1052 of 2025, by the learned
Additional Sessions Judge, Beed, District Beed, thereby declined to

grant anticipatory bail to the present appellant / accused in connection with Crime No.321 of 2025, registered with Chaklamba Police Station, District Beed, for the offence punishable under Section 74, 352, 351(2), 351(3) of B.N.S., under Sections 3(1)(w)(i)(ii), 3(2)(va), of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. On face of record, it appears that on 12.09.2025, the informant / respondent No.2 lodged a report alleging that on 10.09.2025, when she was returning to her house, at that time, the present appellant / accused outraged her modesty and abused her in filthy language, so also issued life threat and the said incident was witnessed by two witnesses. On the basis of said report, Crime No.321 of 2025 was registered with Chaklamba Police Station. The appellant / accused filed Criminal Bail Application No. 1052 of 2025 for anticipatory bail before the learned Additional Sessions Judge and prayed for anticipatory bail in the said crime.

4. On 03.11.2025, the learned trial Court passed the impugned and declined to grant anticipatory bail as there are allegations of outrage of modesty of respondent No.2 / informant.

5. The respondent No.2 / informant has filed reply and strongly opposed the application. The learned counsel for respondent No.2 canvassed that after the incident dated 10.09.2025, the appellant / accused also issued life threat and raised harassment even on 10.12.2025 when she was proceeding towards her village Varangalwadi from Anandwadi.

6. It is pertinent to note that the F.I.R. does not reflect about casteist slur to the informant at the hands of the appellant on 10.09.2025, but it certainly appears about outraging modesty of the informant and issuance of life threat. However, respondent No.2 / informant appears to be the member of Scheduled Caste community and the appellant / accused is very well aware of the caste of the informant. Therefore, considering the law laid down in the case of ***Kiran Vs. Rajkumar Jivraj Jain and Ors, AIR 2025 SC 4083***, the Hon'ble Supreme Court in paragraph 6, observed thus:-

“6. In light of the parameters in relation to the applicability of Section 18 of the Act emanating from afore-discussed various decisions of this Court, the proposition could be summarised that as the provision of Section 18 of the Scheduled Caste and Scheduled Tribes, Act, 1989 with express language excludes the applicability of Section 438, Cr.PC, it creates a bar against grant of anticipatory bail in absolute terms in relations to the arrest

of a person who faces specific accusations of having committed the offence under the Scheduled Caste and Scheduled Tribe Act. The benefit of anticipatory bail for such an accused is taken off.

6.1. The absolute nature of bar, however, could be read and has to be applied with a rider. In a given case where on the face of it the offence under Section 3 of the Act is found to have not been made out and that the accusations relating to the commission of such offence are devoid of prima facie merits, the Court has a room to exercise the discretion to grant anticipatory bail to the accused under Section 438 of the Code.

6.2. Non-making of prima facie case about the commission of offence is perceived to be such a situation where the Court can arrive at such a conclusion in the first blush itself or by way of the first impression upon very reading of the averments in the FIR. The contents and the allegations in the FIR would be decisive in this regard. Furthermore, in reaching a conclusion as to whether a prima facie offence is made out or not, it would not be permissible for the Court to travel into the evidentiary realm or to consider other materials, nor the Court could advert to conduct a mini trial.”

7. So also, as per the law laid down by the Hon’ble Supreme Court in the case of ***Shajan Skaria Vs. State of Kerala and another***, ***2024 SCC OnLine SC 2249***, the appellant is entitled for anticipatory bail.

8. Needless to say that there is no custodial interrogation of the present appellant is required. So also, nothing is to be recovered

from the appellant / accused. Therefore, I am on the view that the appellant / accused has made out substantial ground to enlarge him on anticipatory bail.

9. On 18.11.2026, this Court already passed an order and enlarged the appellant / accused on ad-interim anticipatory bail in connection with Crime No.321 of 2025, registered with Chaklamba Police Station. Therefore, it would be just and proper to continue the said order till conclusion of the trial. However, the respondent No.2 / informant alleged that time and again, the present appellant / accused is issuing threat. Therefore, it is necessary to impose stringent conditions to avoid such pressurization and threats. Accordingly, I am inclined to grant the present appeal and proceed to pass the following order:

ORDER

- (i) The Criminal Appeal is allowed.
- (ii) The impugned order dated 03.11.2025, passed by the learned Additional Sessions Judge /Special Judge, Beed, below Exh.1 in Criminal Bail Application No.1052 of 2025, is hereby quashed and set aside.

- (iii) The ad-interim order dated 18.11.2025, passed by this Court shall continue till conclusion of the trial in connection with Crime No.321 of 2025, registered with Chaklamba Police Station.
- (iv) The appellant shall execute fresh P.R. bond of Rs.25,000/- and shall furnish two solvent sureties in the like amount.
- (v) The appellant / accused shall not enter into the village Varangalwadi, till conclusion of the trial and he shall not either contact to respondent No.2 / informant and shall not issue threat, so also he shall not issue any threat to the witnesses and tamper the prosecution evidence.
- (vi) The appellant / accused shall attend the concerned Investigating Officer every Monday between 10.00 a.m. and 2.00 p.m. till filing of the charge-sheet.
- (vii) It is made clear that if the appellant entered into the village Varangalwadi, Taluka Shirur, District Beed, in that event, respondent No.2 / informant will have right to approach this Court seeking cancellation of bail.
- (viii) The fees of the appointed counsel Ms Ranjita R. Barhate, shall be quantified as per rules and be paid by the High Court Legal Services Sub-Committee, Aurangabad.

SMS

[Y. G. KHOBRAGADE, J.]