



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

**950 CRIMINAL APPEAL NO. 882 OF 2025**

1. GANESH NILAJI ALIAS NILABHAU RATHOD  
2. RAMESH NILAJI ALIAS NILABHAU RATHOD

**VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Subhash N. Nade, Advocate for the Appellants

Mr. P. M. Kulkarni, APP for Respondent No.1 – State

Mr. P. V. Salve, Mr. R. S. Salve & Mr. R. T. Wakale, Advocate for  
Respondent No.2

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**CORAM : Y. G. KHOBRAGADE, J.**

**DATE : January 20, 2026**

**PER COURT :-**

1. Heard learned counsel for the appellants, the learned  
APP for respondent No.1 and the learned counsel for respondent  
No.2, at length.

2. By the present appeal, the appellants / accused prayed  
for anticipatory bail in Crime No. 292 of 2025, registered on  
12.10.2025, with Pimpalner Police Station, District Beed, for the  
offence punishable under Sections 140(3), 115(2), 352, 351(2),

3(5) of the Bharatiya Nyaya Sanhita, under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. I have gone through the record. On perusal of F.I.R., it appears that, on 12.10.2025, the informant / respondent No.2 lodged a report with Pimpalner Police Station, alleging that on 11.10.2025, at about 3.00 p.m. to 3.30 p.m., he had gone at village Nathapur for weekly market and was standing in front of a barber's shop. At that time, the present appellants / accused No.1 Ganesh Nilaji @ Nilabhau Rathod and accused No.2 Ramesh Nilaji @ Nilabhau Rathod, both visited him and asked that in current year as to why he is not visiting them for the work and the amount of Rs.32,000/- (Rupees Thirty Two Thousand), which he has taken from them, should return immediately. Thereafter, the informant / respondent No.2 asked for eight days time, but both the accused persons abused the informant on his caste in the public view. So also, the accused No.1 beaten him with footwear and the accused No.2 assaulted him with shoes.

4. Since the offence of abusement on caste and assault and beating to the member of scheduled caste in the public view, the

provisions of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, creates bar to enlarge the appellants / accused on anticipatory bail and this view is supported by the judgment of the Hon'ble Supreme Court in the case of *Kiran Vs. Rajkumar Jivraj Jain and another, AIR 2025 SC 4083*.

5. On 04.11.2025, the learned Additional Sessions Judge, Beed, passed the impugned order below Exh.1 in Criminal Bail Application No.1065 of 2025 and rejected the application for anticipatory bail, which does not appear illegal, bad in law. Therefore, I do not find that the appellants have made out substantial case to enlarge them on anticipatory bail. Accordingly, the **appeal is dismissed.**

6. The appellants to surrender before the Investigating Officer, within a period of two weeks from today.

[ Y. G. KHOBRAGADE, J. ]

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