



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

26 CRIMINAL APPEAL NO. 884 OF 2025

1. Laxman s/o Givindrao Ghotekar,
Age; 49 years, Occ; Agri,
2. Savita w/o Laxman Ghotekar,
Age; 46 years, Occ; Household,
All of above resident of Kanakwadi,
Tq. Kinwat, Dist. Nanded.

...APPELLANTS
(Orig. Accused No. 2 & 3)

VERSUS

1. The State of Maharashtra
Through P.S. Kinwat,
Tq. Kinwat, Dist. Nanded.
2. The Superintendent of Police,
Nanded, Dist. Nanded.
3. Payal w/o Roshan Ghotekar,
Age; 20 years, Occ; Labour,
R/o; Kanakwadi, Tq. Kinwat,
District; Nanded.

...RESPONDENTS.
(Resp. No. 3 is Orig.
Complainant)

...
Advocate for Appellants : Mr. R.M. Bhagwat h/f Mr. Shinde Ganesh
Panditrao

APP for Respondent Nos 1 & 2/State : Mr. R.D. Raut
Advocate for Respondent No. 3 : Mr. Pramila V. Giri (appointed)

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CORAM : Y.G. KHOBRAGADE, J.
DATE : 09.02.2026

PER COURT :

1. Heard the learned counsel Mr. Bhagwat h/f Mr. Shinde,
appearing for the appellants, learned APP Mr. Raut, appearing for the

respondents-State; and Ms. Giri, learned counsel appearing for respondent No. 2 (informant).

2. By the present appeal, filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, r/w Section 528 of the Bhartiya Nyaya Sanhita, 2023, the appellants/accused takes exception to the order dated 17.10.2025, passed below Exhibit-01, in Criminal Bail Application No. 835 of 2025, by the learned Additional Sessions Judge-1/Special Judge, Nanded, whereby, anticipatory bail was declined to present appellants, in connection with Crime no. 272 of 2025, registered on 12.09.2025, with Kinwat Police Station, District Nanded, for the offence punishable under Sections 85, 115(2) 352, 351(2), r/w Section 3 (5) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Having regard to the submissions canvassed on behalf of both the sides, I have gone through the record.

4. It is a matter of record that, on 12.09.2025, the respondent No. 2/informant lodged oral report with Kinwat Police Station, alleging that she and accused Roshan Ghotekar, developed friendship relations during their collage days and both are from different castes. The accused Roshan Laxman Gotekar belongs to Maratha caste, whereas, she belongs to the Scheduled tribe. On 27.06.2024, both of them fled away and

solemnized marriage at Saubhagya Mangal Karyalaya Alandi, District Pune. Thereafter, both of them co-habited together for some days, but subsequently due to financial crises her husband Roshan vacated the said tenanted premises, and thereafter, she was subjected to cruelty. On 25.10.2024 her husband brought her at Kinwat. When she asked her husband to take her at matrimonial house of her husband, he told her that since she belonged to the scheduled tribe, therefore, his parents are restraining him to bring her at his home. Thereafter, she was compelled to stay at Railway Station for some days. Thereafter, on 30.10.2024, she stayed with her husband in a tenanted room for 7 months. However, she was subjected to cruelty on ground that she belonged to scheduled tribe and her husband asked her to bring Rs.10 Lakhs as dowry, from her parents. It is further alleged that since she belongs from scheduled tribe, therefore, her husband had harassed her and was always abusing her on her caste. It is further alleged that the present appellants Laxman Ghotekar and Savita Ghotekar, also abused her on her caste. On the basis of said report, Crime No. 272 of 2025, registered with Kinwat Police Station, District Nanded, for the offence punishable under Sections 85, 115(2), 352, 351(2), r/w 3 (5) of the Bhartiya Nyaya Sanhita and Sections 3(1)(r), (3(1)(s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. On 17.10.2025, the learned trial Court passed the impugned order and declined to grant anticipatory bail to the appellants/accused on ground that the appellants/accused abused the victim/respondent

No. 2 on her caste.

6. Needless to say that the contents of the FIR does not appear that the appellants/accused abused on the caste of the respondent No. 2, in public place and in public view. The contents of the FIR about occurrence of the such incident is silent. The main accused Roshan Laxman Ghotekar had already surrendered before the investigating officer and subsequently he is enlarged on regular bail. Further the investigating officer has conducted the investigation and filed the charge-sheet. Therefore, considering the law laid down in the case of **Kiran Vs. Rajkumar Jivraj Jain and Another - 2025 SCC Online 1886**, and in case of **Kuruppudayar vs. State Rep. By the Deputy Superintendent of Police and Ors. - AIR SC 705**, the incident of abusement on caste does not appear within the public view at the hands of the appellants/accused, therefore, I am of the view that the appellants are entitled for anticipatory bail during the pendency of the trial in Crime No. 272 of 2025, registered with Kinwat Police Station.

7. On 24.11.2025, this Court has already enlarged the appellants/accused on ad-interim anticipatory bail, on certain terms and conditions, therefore, the said order dated 24.11.2025 needs to be extended till the conclusion of the trial, excluding the condition No. (ii) about visiting of the police station.

8. In view of the above, the appeal stands disposed of, in above terms.

9. Ms. Giri, learned Counsel appointed to defend the cause on behalf of respondent No. 2. Her fees be quantified and paid to her by the High Court Legal Aid Services Authorities, Sub Committee, Aurangabad as per rules.

(Y.G. KHOBRAGADE, J.)

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