



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

936 CRIMINAL APPEAL NO. 946 OF 2025

1. DAS @ HILAL JAMSING GIRASE
2. ANIL DAS @ HILAL GIRASE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. Sonar Anudeep Dilip

APP for Respondents/State : Mr. K.S. Patil

Advocate for Resp. No.2 : Ms. Mayuri Kasturkar (Appointed)

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CORAM : Y.G. KHOBRAGADE, J.

DATE : 10.02.2026

PC.:-

1. During the course of arguments, when this Court expressed its disinclination to grant relief to the extent of appellant no.2, on instructions, the learned counsel appearing for the appellants seeks leave to withdraw the appeal to the extent of appellant no.2-Anil Das @ Hilal Girase. Accordingly, appeal is dismissed as withdrawn in respect of appellant no.2.

2. Heard Mr. Sonar, the learned counsel appearing for the appellants, Mr. Patil the learned APP for the respondent/state and Ms. Mayuri Kasturkar, the learned counsel appearing for the 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, read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the appellants/accused take exception to the order dated 16.10.2025 passed in Criminal Bail Application No. 995 of 2025 by the learned Additional Sessions Judge, Dhule , thereby declining to grant anticipatory bail to the appellants/accused in connection with Crime No.210 of 2025 registered with Nijampur Police Station, Tq. Sakri, Dist. Dhule, for the offence punishable under Section 118(1), 115(1), 352, 3(5) of the Bharatiya 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.

4. Having regard to the submissions canvassed on behalf of both the sides, I have gone through the record. On the face of record, it appears that on 08.08.2025, the informant/respondent no.2 lodged oral report alleging that, on 28.07.2025 at about 10.30 pm., the procession of Kanubai festival was going on in his village and when said procession reached near Bajrangbali square of the village, he along with other persons were dancing. At that time the present appellant accused-Anil Das @ Hilal Girase along with Sunil Das Girase and others visited there and while dancing, the present appellant no.2-Anil Das @ Hilal Girase gave him dash thrice and when he asked as to why he is giving dash to him the appellant no.2 abused him on his caste. So also, all

the accused persons abused him in filthy language and issued life threats and assaulted him with wooden stick, due to which he sustained injuries. After intervention of villagers the quarrel was pacified. On the basis of said oral report, Crime No.210/2025 was registered with Nijampur Police Station.

5. On face of record, it appears that the informant/respondent no.2 was referred to medical examination. The Medical Officer treated the respondent no.2 and issued injury certificate. As per injury certificate injuries are fresh and simple in nature. The Investigating Officer has already conducted the investigation and the charge-sheet against the appellants came to be filed on 04.10.2025. On perusal of contents of the FIR, it does not reveal that the present appellant no.1-Das @ Hilal Jamsing Girase abused the respondent no.2 on his caste in the public place. Therefore, considering the law laid down in the case of **Kiran V/s. Rajkumar J. Jain; AIR 2025 SC 4083** and **Karuppudayar V/s. State represented by the Deputy Superintendent of Police and Ors.; AIR 2025 SC 705**, I am of the view that, the appellant no.1 has made out *prima facie* case and the offence punishable under Section 3 of the SC-ST Act is not *prima facie* made out against the present appellant no.1. Therefore, as per Sec. 18 of Act no bar is created u/s 438 of Cr.P.C., to enlarge the appellant no. 1 on pre-arrest bail.

6. Needless to say that, on 15.12.2025, this Court passed an order

and enlarged the present appellants/accused on ad interim anticipatory bail in connection with Crime No. 210 of 2025 registered with Nijampur Police Station, Tq. Sakri, Dist. Dhule, for the offence punishable under Section 118(1), 115(1), 352, 3(5) of the Bharatiya Nyaya Sanhita 2023, as well as under Sections 3 (1)(r), 3 (1)(s), and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on furnishing PR bond with one or more sureties in the like amount. Therefore, said interim order needs to be continued in respect of appellant no.1- Das @ Hilal Jamsing Girase during the pendency of the trial on the same terms and conditions except the condition no. (ii). Accordingly, I proceed to pass the following order:

ORDER:

- i) The appeal is dismissed as withdrawn as against appellant no.2-Anil Das @ Hilal Girase and the ad-interim bail granted by this Court on 15.12.2025 is hereby cancelled to his extent.
- ii) The appellant no.2- Anil Das @ Hilal Girase shall surrender before the concerned Investigating Officer within a period of two weeks from today.
- iii) The impugned order dated 16.10.2025 passed below Exh.1 by the learned Additional Sessions Judge, Dhule in Criminal Bail Application No. 995 of 2025 is hereby quashed and set aside to the extent of present appellant no.1-Das @ Hilal Jamsing Girase.
- iv) In the event of arrest, the appellant no.1-Das @ Hilal Jamsing Girase be

released on bail in connection with Crime No. 210 of 2025 registered with Nijampur Police Station, Tq. Sakri, Dist. Dhule,

v) The ad interim order passed by this Court on 15.12.2025 shall continue in respect of the present appellant no.1-Das @ Hilal Jamsing Girase.

vi) The appellant no.1 shall not contact and/or influence the witness/es and or/ tamper with evidence in any manner whatsoever.

vii) The fees of the appointed counsel be quantified as per rules and it be paid by the High Court Legal Services Authority.

viii) Accordingly, the Criminal Appeal is disposed of.

[Y.G. KHOBRADE, J.]