



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

919 CRIMINAL APPEAL NO. 973 OF 2025

PRASHANT JAGDISH GOSAVI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Mr. S.B.Solanke, Advocate for the appellant.

Mr. K. S. Patil, APP for the respondent State

Mr. Akash Gade, Advocate for Respondent No.2

CORAM : Y. G. KHOBRAGADE, J.

Dated : 17th February, 2026

PER COURT :-

1. Heard Mr. S.B.Solanke, learned counsel for the appellant, Mr. Mr. K. S. Patil, learned APP for the respondent State and Mr. Akash Gade, learned counsel for Respondent No.2

2. By the present appeal under section 14A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant takes exception to the order dated 16.12.2025 passed by the learned Additional Sessions Judge, Shahada District Nandurbar in Criminal Appeal No. 385 of 2025, whereby declined to enlarge the appellant accused on anticipatory bail in connection with Crime No. No.0331/2025, registered on 06.12.2025 with Taloda Police Station, Dist.Nandurbar, for the offences punishable under Sections 64(1), 69 of the Bhartiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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

4. On perusal of the FIR, it appears that respondent No. 2, the informant, was working on a contract basis as an Assistant Extension Officer under the Mukhyamantri Yuva Karya Prashikshan Yojana at Taloda, District Nandurbar. In order to secure further extension, she created a WhatsApp group of trainees. The informant has further alleged that, in the month of October 2024, the accused sent a message on the said WhatsApp group regarding the planning of further extension to the said post. Thereafter, the informant contacted him, and then they started communicating with each other frequently. It further appears from the FIR that the appellant/accused and respondent No. 2 (informant) met on several occasions. On 03.02.2025, she received a phone call from the appellant/accused stating that he wanted to marry her and asking her to visit the Taloda bus stand. She then went to the Taloda bus stand after informing her parents that she was going to Mumbai to participate in a morcha. Thereafter, the informant and the accused visited Nashik, where they stayed in a lodge near the bus stand and developed physical relations. On 04.02.2025, they visited Tryambakeshwar, and on 05.02.2025, they returned to Taloda. Subsequently, since the informant had her TAIT examination at Nashik on 04.06.2025, she went to Nashik on 01.06.2025 along with the

appellant/accused. There, they engaged in physical relations for two nights and returned to Taloda on 04.06.2025. Thereafter, when she enquired with the appellant/accused as to when he is going to marry her, he falsely assured her that he would marry her within a short period. However, on 22.11.2025, the informant came to know that the accused was already married and has a child. Thereafter, when she met the accused at Taloda Market and questioned him, the appellant/accused allegedly made casteist remarks against her. On that basis, Crime No. 331 of 2025 was registered at Taloda Police Station, Taluka Taloda, District Nandurbar, for the offences punishable under Sections 64(1) and 69 of the B.N.S., and Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. The appellant accused had filed Criminal Bail Application No. 385 of 2025 seeking anticipatory bail in the said crime. However, on 16.12.2025, the learned trial court passed the impugned order and declined to grant anticipatory bail on ground that the incident of abuse on caste appears to be occurred in market which is a public place and public view.

6. On 23.12.2025, this Court passed an order and released the appellant accused on anticipatory bail on certain conditions. In compliance of the said order, the appellant accused appeared before

the investigating officer and furnished bail bond so also blood samples are already sent to Forensic Lab. Through the informant alleged that the appellant/accused made casteist slur in the market, however, on perusal of the in the case diary, it appears that the investigating officer recorded statements of the informant and other witnesses, however, it does not show that the incident of abuse on caste to the informant was occurred at the market area, within public view. Therefore, to my mind, as per provisions of section 18 of the SC & ST Act, no bar is created under section 438. In view of the above, present appeal is liable to be allowed and accordingly it is allowed.

7. The impugned order dated 16.12.2025 passed by the learned Additional Sessions Judge, Shahada District Nandurbar in Criminal Appeal No. 385 of 2025 is hereby quashed and set aside.

8. By the order dated 28.12.2025, the present appellant/accused is already enlarged on anticipatory bail. The said interim order shall continue to during the course of trial in connection with Crime No. No.0331/2025, registered on 06.12.2025 with Taloda Police Station, Dist.Nandurbar, on the same terms and conditions.

(Y. G. KHOBRADE, J.)