



Correction has been carried out in view of speaking to the minutes order dated 17.01.2026.

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

ANTICIPATORY BAIL APPLICATION NO. 1994 OF 2025

LAXMIKANT JAYCHANDRA SAWJI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Rajebhosale Sandeep B.

APP for Respondents/State : Mr. S. P. Joshi

Advocate for Respondent No.2 : Ms. Gargi Gujare

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CORAM : MEHROZ K. PATHAN, J.

RESERVED ON 16th DECEMBER 2025

PRONOUNCED ON 16th JANUARY 2026

ORDER :

1. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.307/2025 registered with MIDC Waluj Police Station, District Chhatrapati Sambhajinagar for the offences punishable under Sections 376 read with 34 the Indian Penal Code and under Sections 3(1)(w) (i)(ii) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and in Special Case (Sessions) No.1066/2025 pending before the Special Court Gangapur for the offences punishable under Sections 376, 506, 34 of the Indian Penal Code and under Sections 3(1)(w)(i)(ii)

and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 under Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the Informant, a lady aged 34 years, belongs to the Scheduled Caste. She was having a love affair with the Applicant's brother-accused, Nitin Savji, since the year 2007. However, as Nitin Savji belongs to an upper caste, her parents performed her marriage with a person of her own caste in the year 2010. She co-habited with her first husband for about two years. In 2012, she left the company of her first husband and thereafter resided with her daughter, aged six years, born from her relationship with Nitin Savji. She co-habited with Nitin Savji up to the year 2024, but subsequently differences arose between them. The Informant further alleged that in the year 2020, Nitin Savji's brother-accused, Pravin Savji, committed rape upon her in their house at Om Sai Nagar, Ranjangaon, and for that purpose Nitin Savji also forced her. In the year 2022, Nitin Savji's cousin, Raju Savji, also committed rape upon her, and Nitin Savji remained silent. It is further alleged that Nitin Savji abused her on the basis of her caste and assaulted her. On 14.04.2024, Nitin Savji's another brother, the present Applicant Laxmikant, sexually assaulted the private part of her minor daughter. He also committed rape upon the Informant and made a video thereof.

3. The learned Counsel for the Applicant submits that all other accused in the present crime have been released on bail, except for the present Applicant. Insofar as the role of the present Applicant is concerned, the prosecutrix has stated in the FIR that on 14.04.2024, at about 07:00 p.m., the Applicant, Laxmikant, came to her house at Omsai Nagar, Waluj, removed the knicker of the prosecutrix's minor daughter, touched her private part, and threatened the prosecutrix to permit him to have sexual intercourse, failing which he would spoil the life of her daughter. Having no other option, the prosecutrix states that she allowed the Applicant to have sexual intercourse with her.

. It is the submission of the learned Counsel for the Applicant that the incident dated 14.04.2024 allegedly took place at Omsai Nagar, Waluj. However, the said house at Waluj had already been sold to another person, and neither the prosecutrix nor her daughter was residing there on 14.04.2024. Therefore, the allegations in the FIR are falsified and are a figment of the prosecutrix's imagination, made with the intention of somehow framing all the family members of the present Applicant.

4. It is further submitted by the learned Counsel for the Applicant that the Informant had earlier filed a D.V. proceeding against the brother of the Applicant, namely Nitin Savji, on 10.05.2024. However, there is not even an averment in the said proceeding regarding rape upon her or sexual assault upon her

daughter allegedly committed on 14.04.2024 at Om Sainagar, Waluj. The FIR itself was filed on 03.04.2025, i.e., after one year of the alleged incident. Thus, there is a delay of about one year in lodging the FIR for the incident dated 14.04.2024, and a delay of about five years in respect of the alleged incident of rape committed by Pravin, as mentioned in the FIR. The allegations in the FIR are vague, and therefore this Court may release the Applicant on bail.

5. It is further submitted by the learned Counsel for the Applicant that the earlier bail application of the Applicant was rejected by this Court only on the ground that there were additional allegations against him of sexual assault on the minor daughter. The prosecution has now filed the charge-sheet by adding POCSO charges against the present Applicant. A perusal of the statement of the minor girl would show that no such offence was committed by the Applicant, and the allegations in the FIR have been deliberately made to rope in the entire family in the present crime. The statement of the minor son of the victim also does not corroborate the allegations made in the FIR. Hence, the offence under the POCSO Act is not made out against the Applicant. The Applicant thereafter moved a fresh successive bail application before the learned Sessions Court after filing of the charge-sheet, which was rejected by the learned Sessions Court by observing that the allegations under the Atrocities Act are made out against the Applicant and, as such, the bar under Section 18 of the

Atrocities Act comes into play. Therefore, the anticipatory bail application is not maintainable. The successive bail application of the Applicant came to be rejected by the learned Sessions Judge, Gangapur vide order dated 03.11.2025 after filing of the charge-sheet and addition of the relevant sections under the POCSO Act. The Applicant has thus approached this Court after rejection of his anticipatory bail application vide order dated 03.11.2025 passed by the learned Sessions Judge, Gangapur.

6. It is submitted by the learned Counsel for the Applicant that despite the bar under Section 18 of the Atrocities Act and the allegations under the said Act, the learned Sessions Court as well as this Court had granted bail to other accused persons who were also charged with the offence of rape. Thus, going by the judgment in **Prithvi Raj Chauhan v. Union of India 2020 (4) SCC 727**, this Court can examine whether the offence under the Atrocities Act is made out against the Applicant and may release the Applicant on anticipatory bail, notwithstanding the bar under Section 18 of the Atrocities Act.

7. As against this, the learned APP and also learned Appointed Counsel appearing for victim vehemently oppose the present application on the ground that the Applicant is involved in a serious offence under the provisions of the Atrocities Act and POCSO Act. There are specific allegations

against all the accused persons that they had knowledge of the complainant belonging to the Scheduled Caste. The statement of the victim has also been recorded under Section 183 of the BNS, which corroborates the allegations made in the FIR. Thus, the Applicant may not be released on bail.

8. I have considered the order passed by this Court dated 08.08.2025 in Criminal Appeal No.429/2025. I have also considered the charge-sheet filed by the prosecution against the Applicant, wherein charges under the POCSO Act were added apart from the initial offences under Section 376 read with Section 34 of the IPC and Section 3 of the Atrocities Act. Since the provisions of the POCSO Act were subsequently added in the charge-sheet, the Applicant has filed the present anticipatory bail application under Section 482 of the BNS in view of the judgment of the Full Bench of this Court in the case of **Aniket s/o Shahadev Labade Vs. State of Maharashtra and Anr.** in Anticipatory Bail Application No.1005/2023 with Criminal Application No.2713/2023, instead of filing an appeal under Section 14A of the Atrocities Act. A perusal of the FIR shows that there are vague allegations of rape without sufficient particulars. This Court has already doubted whether a case is made out as alleged and granted bail to accused Ravindra Savji (Raju Savji), who is also alleged to have committed rape upon the prosecutrix as per the FIR, despite the bar under Section 18A of the Atrocities Act. On the basis of the said order dated 10.06.2025 passed by this Court in

Criminal Appeal No.363/2025 granting bail to accused Ravindra, the learned Sessions Court has also granted bail to another accused, Pravin Savji, against whom there are similar allegations of rape and consequently offences under the Atrocities Act. This was done despite the bar under Section 18A of the Atrocities Act, by observing that there is no prima facie material to attract the ingredients of the offences alleged against the Applicant and that the provisions of the Atrocities Act cannot be invoked to deprive him of pre-arrest bail.

9. The learned Sessions Court has relied upon the observations of the Hon'ble Supreme Court in the judgment of **Prithvi Raj Chauhan**, reiterated in **Sajan Skariya v. State of Kerala**, reported in 2024(3) Cri.427 SC, wherein the Hon'ble Supreme Court was pleased to hold that if the complaint does not make out a prima facie case for applicability of the provisions of the Atrocities Act, 1989, then the bar created by Sections 18 and 18A(i) shall not apply, and thus the Court would not be precluded from granting pre-arrest bail to the accused persons. A perusal of the FIR shows that almost identical allegations are made against the present Applicant of committing rape in the year 2024. There is gross delay of one year in lodging the FIR. This Court had granted bail to accused Ravindra Savji on the ground of delay in lodging the FIR vide order dated 10.06.2025 passed in Criminal Appeal No.363/2025. This Court had also observed that, even though the Applicant had allegedly abused the prosecutrix in the name

of her caste, the entire complaint prima facie appears to be vague and without sufficient particulars, thereby creating doubt as to whether the offences alleged are made out, and accordingly granted bail to accused Pravin Savji, who is also alleged to have committed rape upon the prosecutrix.

10. The further contention of the Applicant also appears to be worthy of consideration, namely that the child against whom it is alleged by the prosecutrix that the Applicant committed sexual assault has deposed in her statement that no such assault was committed by the present Applicant either upon her or upon the daughter of the victim. The daughter of the victim only refers to one incident wherein she had broken a glass and was beaten by her uncle, i.e., the present Applicant. The statement of the son of the prosecutrix also does not support the allegations made in the FIR. The allegations are vague and inherently improbable. Though the Applicant had filed domestic violence proceedings on 10.05.2024, the prosecutrix did not make any allegations of rape committed upon her or her daughter either by the Applicant or by the other accused persons, namely the brother of the Applicant. It appears that only after the reply was filed by the present Applicant in the D.V. proceedings on 24.03.2025, the prosecutrix filed the FIR against all the accused persons, who are family members of Applicant No.1/Nitin Savji, on 03.04.2025.

11. Thus the perusal of the entire charge-sheet filed by the prosecution against the other accused persons does not show any evidence collected which would corroborate the allegations in the FIR. The other accused persons, who are identically alleged to have committed rape upon the prosecutrix, have also been released on bail. This Court has already observed in the earlier proceedings that no offence under the Atrocities Act, as alleged, is made out and hence granted bail to accused Pravin Savji, despite the bar under Section 18 of the Act. The charge-sheet filed by prosecution does not make out any prima facie under Atrocities Act nor substantiates any allegations under POCSO Act. I am, therefore, inclined to exercise powers under Section 482 of the BNS to grant anticipatory bail to the Applicant. The apprehension of the learned APP that the Applicant would tamper with the prosecution evidence and may threaten the prosecutrix can be taken care of by imposing appropriate stringent conditions. Hence the following order :

ORDER

(i) In the event of arrest of the Applicant - Laxmikant Jaychandra Sawji in connection with Crime No.307/2025 registered with MIDC Waluj Police Station, District Chhatrapati Sambhajnagar (City) for the offences punishable under Sections 376 read with 34 the Indian Penal Code and under Sections 3(1)(w)(i)(ii) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and in Special Case (Sessions) No.1066/2025 pending before the Special Court Gangapur for the offences punishable under

Sections 376, 506, 34 of the Indian Penal Code and under Sections 3(1)(w)(i)(ii) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 under Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties in the like amount, on the following conditions :

(a) The Applicant shall attend MIDC Waluj Police Station, District Chhatrapati Sambhajinagar on every Saturday between 11:00 am. to 01:00 pm. till the framing of the charge.

(b) The Applicant shall not tamper with the prosecution evidence and shall not influence the witnesses.

(c) The Applicant shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(d) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail.

(e) The fees of the appointed Counsel for Respondent No. 2 shall be quantified as per Rules to be paid by the High Court Legal Aid Sub Committee.

(ii) The application is allowed in the above terms and stands disposed of.

MEHROZ K. PATHAN
JUDGE

Majest..