



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

927 CRIMINAL APPEAL NO. 20 OF 2026

**GORAKH SARJERAO PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Appellant : Mr. Swapnil Jawalkar for J.Plegal Associates
APP for Respondents/State : Mr. R.D. Raut

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**CORAM : Y.G. KHOBRAGADE, J.
DATE : 17.01.2026**

PC:-

1. Heard Mr. Swapnil Jawalkar the learned counsel appearing for the appellants and Mr. R.D. Raut the learned APP for the respondent no.1 at length. It is not necessary to issue notice to respondent no.2/informant.

2. By the present appeal, the appellants prayed for grant of anticipatory bail in connection with Crime No.699/2025 registered on 17.07.2025 with MIDC Waluj Police Station for the offence punishable under Section 117(2), 118(1), 189(2), 191(2), 191(3), 190, 351(2) 352, 324(2), of the BNS Act and under Section 4 (25) of the Arms Act and under Section 3 (2)(r), 3 (1)(s), 3(2)(v), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, after filing of the charge-sheet it is

registered as Special Case No.710/2025 pending on the file of the learned Special Court , SC-ST Act, Aurangabad.

3. Needless to say that at the earlier point of time, the present appellants/accused filed Criminal Appeal No.716/2025 and prayed for anticipatory bail in the said crime, however, on 03.11.2025 the appellants withdrew the said appeal. The order dated 03.11.2025 reads as under:

“1. The learned Advocate for the appellants, at the outset, makes a statement that she is having instructions on behalf of the appellants to withdraw the instant appeal.

2. Permission granted. This criminal appeal is disposed of, as withdrawn.”

4. Since no liberty has been sought and the appellants/accused withdrew the earlier appeal seeking a similar relief of anticipatory bail and as no changing circumstances have been brought on record, so also, merely filing of the charge-sheet against the present appellants does not entitle them to seek anticipatory bail in connection with the crime which has occurred within the public view. So also, Section 18 of the SC & ST Act creates a bar to enlarge the accused on anticipatory bail. In the case of **Kiran V/s. Rajkumar J. Jain; AIR 2025 SC 4083**, it has been held that where on the face of record the offence punishable under Section 3 of the Act is not made out, in that event the Court may exercise the discretion to grant anticipatory bail.

5. In the case in hand, the FIR itself suggest that the accused persons abused the informant/respondent no.2 on his caste in public view and assaulted with deadly weapon like steel rod, plastic rod and also with a pointed sword. Further, the earlier appeal for anticipatory bail was withdrawn which amounted to dismissal of the appeal. Therefore, I do not find any substance in the present appeal and it is dismissed accordingly.

[Y.G. KHOBRADE, J.]