



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CRIMINAL APPEAL NO. 57 OF 2026

Sanjay Laxman Gaikwad

VERSUS

The State Of Maharashtra And Others

...

Mr. M. B. Sandanshiv h/for Mr. Subhash S Nade, Advocate for Appellant

Mr. D. B. Bhange, APP for Respondents State

Mr. Angad L. Kanade, Advocate for Respondent No.3

CORAM : Y. G. KHOBRADE, J.

Dated : 1st April, 2026

PER COURT :-

1. Heard learned counsel appearing for the appellant, learned APP for respondent nos. 1 and 2 and learned counsel appearing for respondent no.3/informant at length.

2. By the present Appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant/original accused takes an exception to the order dated 08.01.2026 passed by the learned Additional Sessions Judge, Kaij, District Beed in Criminal Bail Application No. 317 of 2025, whereby the learned Judge declined to release the present appellant on anticipatory bail in connection with Crime No.313 of 2025 registered with Dindrud Police Station, District Beed on 20.12.2025. The appellant further prayed to enlarge him on anticipatory bail for the offence punishable under Sections 74, 118(1), 115(2), 189(2), 191(2), 190, 304(2), 352,

351(2) of B.N.S., under Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The learned counsel appearing for the appellant vehemently canvassed that, on 20.12.2025, one Smt. Meera Balasaheb Bade, who is one of the accused in Crime No. 313 of 2025 had lodged an FIR bearing Crime No. 314 of 2025 at Dindrud Police Station, District Beed, alleging that, on 19.12.2025 at about 12.30 p.m., one Samadhan Ramesh Mujmule, the husband of the present respondent No. 3/informant, had visited her house and demanded an amount of Rs. 10 lakhs for withdrawal of the complaint in respect of the atrocity case. It further alleged that, on 20.12.2025 at about 1.00 p.m., the said Samadhan Ramesh Mujmule again visited her house and enquired about the payment of Rs. 10 lakhs for withdrawal of the atrocity complaint. However, the informant Smt. Meera Balasaheb Bade expressed her inability to pay the said amount to the husband of respondent no.3 but said Samadhan Ramesh Mujmule took out bottle of poisonous substance i.e. Pesticide (Roger) and attempted to administer her forcefully but her son Prasad came there and threw away the said bottle. At the same time Shri Sanjay Gaikwad passersby visited there and tried to stop said Mujmule and at that time Smt. Surekha Samadhan Mujmule visited there with wooden log and assaulted her

and her son. Samadhan Ramesh Mujmule, the husband of Respondent no. 3 snatched her yellow colour metal necklace and fled away.

4. The learned counsel for the appellant further submitted that, in order to counter the FIR No. 314 of 2025, the respondent No. 3/informant lodged a false FIR 313 of 2025 on 20.12.2025 alleging that, on 20-12-2025 i.e. on the day of incident her husband had gone to village Dharur and she was at her house with her two sons. At about 1.30 pm., her husband returned at home enquired with her as to whether she abused the appellant/accused Sanjay Gaikwad in filthy language but she denied and asked her husband to personally visit the appellant/accused to enquire. Thereafter, her husband visited Hotel Tuljai runs by the present appellant and enquired about abusement in filthy language and questioned him as to why he had made a false allegation against his wife. However, the appellant/accused started assaulting her husband with belt and brought him to her house while continuing beating with belt. It is further alleged that when she intervened, she was too assaulted by the accused with the belt and abused in filthy language by uttering castiest slur.

5. The learned counsel for the appellant submitted that the said FIR is false and the appellant/accused falsely implicated and no such castiest slur was made within the public view. Therefore, under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act no bar is created to enlarge the appellant/accused on anticipatory bail. However, the learned Trial Court passed the impugned order and declined to release the appellant on anticipatory bail, hence, prayed for quash and set aside impugned order and release the appellant accused on anticipatory bail during pendency of trial.

6. Per contra, the learned APP appearing for the prosecution and learned counsel appearing for respondent No.3- Informant have filed reply and strongly resisted the application.

7. According to the learned APP as well as the counsel for the respondent no.3 the incident of castiest slur to the informant at the hands of the appellant is occurred within public view and said castiest slur was an intentional insult or intimidates with an intent to humiliate the informant/respondent No.3, who is member of scheduled caste. Therefore, under Section 18 of the Act bar is created to release the appellant on anticipatory bail u/s 438 of Cri. P. C., and u/s 482 of BNS, 2023, hence, prayed to dismissal of the appeal.

8. Having regard to submissions canvassed on behalf of both the sides, I have gone through the FIR No. 313 of 2025. As per contents of the FIR, it prima facie appears that, on 20.12.2025 i.e. on the day of incident, her husband had gone to village Dharur and she was at her house with her two sons. At about 1.30 pm., her husband returned at home and enquired with her as to whether she abused the

appellant/accused Sanjay Gaikwad in filthy language but she denied and asked her husband to personally visit the appellant/accused and to enquire. Thereafter, her husband visited Hotel Tuljai run by the present appellant and enquired about abusement in filthy language and questioned him as to why he had made false allegation against his wife. However, the appellant/ accused started assaulting her husband with belt and brought him to her house while continuing beating with belt. It is further alleged that, when she intervened, she was too assaulted by the accused with the belt and abused in filthy language by uttering castiest slur. Therefore, it prima facie appears that, abusement in caste to the husband of the Respondent by the appellant accused occurred in front of house of the Respondent no. 3 within the public view.

9. Needless to say that, on 20.12.2025, at about 20.35 hours, Crime No. 313 of 2025 was registered with Dindrud Police Station, District Beed for the offence punishable under Sections 74, 118(1), 115(2), 189(2), 191(2), 190, 304(2), 352, 351(2) of B.N.S., under Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on the basis of oral report lodged by respondent no.3/informant. No doubt, the appellant contended that, in order to counter the FIR No. 314 of 2025, the respondent No. 3/informant lodged a false FIR No. 313 of 2025 on 20.12.2025 against him. However, on perusal of both the FIR it appears

that, the Respondent no. 3 lodged the FIR No. 313 of 2025 on 20.12.2025 at about 20.35 hours, whereas, Smt. Meera Balasaheb Bade lodged an FIR 314 of 2025 on 20.12.2025 at about 23.59 hours against the present Respondent no. 3 and her husband Shri Samadhan Ramesh Mujmule. Therefore, submissions canvassed on behalf of the appellant does not appear to be substantial and it is not acceptable to me.

10. In the FIR No. 313 of 2025, the Respondent no. 3 /Informant specifically alleged that, when she intervened save her husband but she was assaulted with belt at the hands of the appellant/accused and abused in cast within the public view. The appellant/accused and the informant/ respondent No. 3 are residents of the same village and are well acquainted with each other including caste of each other. As per the contents of FIR, the present appellant torned blouse of the informant, exposed her breast. Therefore, intention of the appellant accused prima facie appears about intentional insult or to humiliate the informant/respondent No.3, who is member of scheduled caste.

11. As per statement of witnesses Samadhan Ramesh Mujmule, Shantabai Tukaram Chandane, Navnath Waman Kamble, the incident appears to be occurred within public view. The Statements of Respondent no.3 informant recorded under Section 183 of the BNSS which corroborates contents of the FIR.

12. Section 3(w) of the Act provides about intentionally touching a woman belonging to a Scheduled Caste or a Scheduled Tribe knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent, amounts offence under the Act.

13. In the case of ***Kiran Vs. Rajkumar Jivraj Jain and Ors, AIR 2025 SC 4083***, in paragraph No.6, the Hon'ble Supreme Court has observed thus:-

“6. In light of the parameters in relation to the applicability of Section 18 of the Act emanating from afore-discussed various decisions of this Court, the proposition could be summarised that as the provision of Section 18 of the Scheduled Caste and Scheduled Tribes, Act, 1989 with express language excludes the applicability of Section 438, Cr.PC, it creates a bar against grant of anticipatory bail in absolute terms in relations to the arrest of a person who faces specific accusations of having committed the offence under the Scheduled Caste and Scheduled Tribe Act. The benefit of anticipatory bail for such an accused is taken off.

6.1. The absolute nature of bar, however, could be read and has to be applied with a rider. In a given case where on the face of it the offence under Section 3 of the Act is found to have not been made out and that the accusations relating to the commission of such offence are devoid of prima facie merits, the Court has a room to exercise the discretion to grant anticipatory bail to the accused under Section 438 of the Code.

6.2. Non-making of prima facie case about the commission of offence is perceived to be such a situation where the Court can arrive at such a conclusion in the first blush itself or by way of the first impression upon very reading of the averments in the FIR. The contents and the allegations in the FIR would be decisive in this regard. Furthermore, in reaching a conclusion as to whether

a prima facie offence is made out or not, it would not be permissible for the Court to travel into the evidentiary realm or to consider other materials, nor the Court could advert to conduct a mini trial.”

14. In the case in hand, it prima facie appears that the appellant accused touched respondent no.3 who belongs to Scheduled Caste and tore her blouse and made her breast open in public place. The appellant/accused also abused the Respondent no. 3/ informant in her caste within the public view. Therefore, considering the law laid down by the Hon'ble Supreme Court in case of ***Kiran Vs. Rajkumar*** cited (supra), to my view certainly under section 18 of the Act bar is created to enlarge the appellant accused on anticipatory bail. In view of above discussion, the present appeal is dismissed.

(Y. G. KHOBRAGADE, J.)