



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 224 OF 2026

1. Anand S/o. Balaji Bhosale,
Age: 20 years, Occ. Labourer,
R/o. Dindegaon, Tal. Tuljapur,
Dist. Dharashiv.
2. Balaji S/o. Rajkumar Bhosale,
Age: 50 years, Occ. Agril,
R/o. Dindegaon, Tal. Tuljapur,
Dist. Dharashiv.
3. Shailesh S/o. Rajkumar Bhosale,
Age: 45 years, Occ. Agril,
R/o. Dindegaon, Tal. Tuljapur,
Dist. Dharashiv.

..APPELLANTS

VERSUS

1. The State of Maharashtra,
Through Naldurg Police Station,
Tal. Tuljapur, Dist. Dharashiv.

2. XYZ

..RESPONDENTS

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Mr. M.B. Kolpe, Advocate h/f Mr. V.B. Deshmukh, Advocate for Appellants
Mr. D.B. Bhange, A.P.P. for Respondent no.1 – State
Mr. N.D. Jaiswal, Advocate for Respondent No.2 (Appointed through Legal
Aid)

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CORAM : ABHAY J. MANTRI, J.
DATE : 29th APRIL, 2026

ORAL JUDGMENT :

1. The Appellants, being dissatisfied with the order dated 18th March, 2026, passed by the learned Additional Sessions Judge-5, Dharashiv

(Osmanabad), in Criminal Bail Application No. 109 of 2026, thereby rejected the bail of the Appellants in connection with Crime No. 207 of 2024 registered with Naldurg Police Station, Dist. Dharashiv for the offences punishable under Sections 307, 326, 323, 504, 506, 34 of the Indian Penal Code (for short, '**I.P.C.**') and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as '**SC & ST Act**'), have preferred this Appeal.

2. Heard learned counsel for the Appellants, learned A.P.P. for Respondent No.1 – State and learned counsel for Respondent No.2 – informant. Perused the record and police papers.

3. During the argument, learned counsel for the Appellants, on instructions, seeks leave to withdraw the Appeal on behalf of Appellant No.2 – Balaji Rajkumar Bhosale. His statement is accepted. In view of the statement, the Appeal is dismissed as withdrawn against Appellant No.2 – Balaji Rajkumar Bhosale only.

4. Learned counsel for the Appellants further submitted that there are no specific allegations against Appellant Nos. 1 and 3 that they have abused the Informant with a caste slur, nor is there any allegation against them that they have assaulted him by means of any weapon, but the allegations against them are only that they have abused and given fist blows and kicks to him.

Therefore, he submitted that no provisions of the SC & ST Act are attracted against them. He further argued that initially, an offence was registered and the Investigating Officer had filed a 'B Summary' report in the Court. However, the learned Additional Sessions Judge did not accept the same and directed the Investigating Officer to reinvestigate the matter in accordance with the law. Pursuant thereto, a reinvestigation is underway. Therefore, he urged for allowing the Appeal.

5. As against, learned A.P.P. and learned counsel for Respondent No.2 strenuously opposed the Appeal, contending that Appellant Nos. 1 and 3 abused the Informant and his family members with a caste slur. Accused No.2 – Balaji Rajkumar Bhosale assaulted the Informant by means of an iron rod and caused fracture injury to his finger, and therefore, they opposed this Appeal and urged for dismissal of the same.

6. Having heard the rival contentions of the learned counsel for both the parties and perusal of F.I.R. and record, prima facie, it appears that the allegations against Appellant Nos. 1 and 3 are vague and omnibus. No specific allegations are made against them that they have abused the Informant with a caste slur or caused any grievous injury to him, but the allegations against them are only that they gave fist blows and kicks to him. As such, prima facie, the provisions of the SC & ST Act are not attracted against Appellant Nos. 1

and 3. Therefore, the question of bar under Section 18 of the SC & ST Act does not arise.

7. The second allegation against Appellants Nos. 1 and 3 is that they beat the Informant by means of fist blows and kicks. Therefore, in my view, nothing needs to be recovered from them, and, accordingly, custodial interrogation of them is not warranted in the present case. Moreover, this Court, by order dated 08.04.2026, granted ad-interim anticipatory bail to Appellants Nos. 1 and 3. In light of the above discussion, in my view, Appellant Nos. 1 and 3 are entitled to confirmation of said ad interim anticipatory bail.

8. As a result, *the Criminal Appeal is partly allowed in terms of prayer clauses (C) and (D), to the extent of Appellant Nos. 1 and 3 only.*

9. Order dated 08th April, 2026, granting interim anticipatory bail to Appellant Nos. 1 and 3 stands confirmed in clause (iii) of the said order on the same terms and conditions till the conclusion of the Trial. In addition to the above condition, Appellants Nos 1 and 3 shall not leave India without prior permission of the Court till the conclusion of the Trial.

10. *The Criminal Appeal is dismissed as withdrawn in respect of Appellant No.2 – Balaji Rajkumar Bhosale.*

11. Since Mr. N.D. Jaiswal, learned counsel, is appointed by the Legal Services Authority to represent Respondent No.2; as such, his fees are to be quantified by the High Court Legal Services Sub-Committee, Aurangabad, in accordance with the rules.

12. Criminal Appeal is disposed of.

(ABHAY J. MANTRI, J.)

SSD