IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 158 OF 2026

Avinash Shankar Lokare ...Appellant

Versus

The State Of Maharashtra And Another ...Respondents

Mr. Mahadeo Choudhari, for the Appellant.
Mr. Shrikant Yadav, APP for the Respondent-State.
Mr. Abhay Deshmukh (through VC), for the Respondent No. 2.
ASI M.S.Randive, Kurduwadi Police Station.

CORAM : SHARMILA U. DESHMUKH, J.
DATE : NOVEMBER 05, 2026

P. C. :

1. The present Appeal is filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "**SC/ST Act**"), seeking pre-arrest bail in connection with C.R. No. 201 of 2026 dated 28th April, 2026 registered with the Kurduwadi Police Station, District Solapur, for the offences punishable under Section 115(2), 118(1), 352, 3(5) of the Bharatiya Nyay Sanhita, 2023 (for short "**BNS**") and 3(2)(va) of the SC/ST Act and for quashing and setting aside the order dated 22nd June, 2026 passed by the learned Special Judge-1 rejecting the Appellant's pre-arrest bail application.

2. The case of the prosecution is that the present Appellant and the

informant were engaged in a transport business, wherein the vehicle was purchased in name of the present Appellant. There was financial dispute between the informant and the Appellant in respect of dues payable for transfer of the vehicle, as the informant had defaulted in the payment. It is alleged that on 27th April, 2026 at around 11:30 p.m., the informant called the Appellant and, the Appellant and the co-accused came to the house of the informant, where there was altercation between the parties over the payment. The role attributed to the present Appellant is that the Appellant assaulted the informant on his right leg by plastic pipe lying nearby, threw a piece of brick, and also assaulted the family members of the informant. Based on these allegations, the FIR came to be registered.

3. Learned counsel for the Appellant would submit that the allegation is of assault by plastic pipe, and therefore, the ingredients of Section 118 are not made out. He would further submit that the bar under Section 18 of the SC/ST Act would not apply, as the ingredients of the offence are not made out from the FIR.

4. Learned APP would submit that the Appellant has been charged for offence punishable under Section 3(2)(va) of the SC/ST Act, as the offence in question is a scheduled offence, and therefore, the bar under Section 18 of the SC/ST Act would apply.

5. Learned counsel for Respondent No. 2 would submit that the role

of the Appellant is made out from the FIR and as the offence is a scheduled offence, the provisions of Section 438 of Code of Criminal Procedure, 1973 will not apply.

6. *Prima facie*, upon perusal of the FIR, it appears that the dispute between the informant and the Appellant was civil dispute arising out of financial transactions between the parties. The allegation in the FIR insofar as the present Appellant is concerned, is that there was altercation between the informant and the Appellant in which the Appellant picked up a plastic pipe lying nearby and assaulted the informant on his right leg.

7. *Prima facie*, the ingredients of Section 118(1) of the BNS are not made out, as there is no allegation of assault by dangerous weapon. The bar under Section 18 of the SC/ST Act will not apply, as no *prima facie* case of commission of offence is made out. Hence, the following order :-

O R D E R

i. The impugned order dated 22nd June, 2026 passed in Anticipatory Bail Application No. 386 of 2026 by the learned Special Judge-1, Barshi, Solapur is quashed and set aside.

ii. The Appellant is directed to be released on bail, if arrested in connection with C.R. No. 201 of 2026 dated 28th April, 2026 registered with the Kurduwadi Police Station.

iii. The Appellant shall attend Kurduwadi Police Station on 25th November, 2026 between 11:00 a.m. to 1:00 p.m. and as and when called by the investigating officer.

iv. The Appellant shall co-operate in the investigation and shall not contact the witnesses directly or indirectly.

8. The Appeal is allowed in the above terms.

[SHARMILA U. DESHMUKH, J.]