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

CR. APPEAL NO. 210 OF 2026

Aaditya Rajendra Sawant ...Appellant

V/s.

The State Of Maharashtra And Anr ...Respondents

Mr.Shailesh Chavan with Ms. S. Chougale, Advocate for the Appellant.
Ms. Priyanka Rane, APP for the Respondent-State.
Mr. Vaibhav K. Gaikwad a/w. Samrat H. Mr. Suraj Bhosale, Advocate for Respondent No.2.

CORAM : NEERAJ P. DHOTE, J.
DATE : 19th NOVEMBER, 2026

P. C. :

1. This is an appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "SC/ST Act") against the order dated 10th August 2026, rejecting the application for anticipatory bail of the appellant by the learned Judge, Special Court, Chiplun, in Anticipatory Bail Application No. 44/2026.

2. The prosecution's case as seen from the impugned order dated 10th August 2026 is as under. The paragraph nos. 2 and 3 of the impugned order reads as under :

"2. The prosecution contended that on August 1, 2026, between 4:00 p.m. and 7:30 p.m., in the dilapidated house at Survey No. 20/A/1/34/12, Shrungartali, Guhagar Taluka, Ratnagiri District, Nikhil Vijay Janavalkar and his friends Roshan Balkrishna Dhamane and Rutik Vinayak Katalkar were drinking beer. During this time, accused Deep Shirke and others, including Jeet Shirke, were also drinking. When the informant called the accused, they became enraged and began abusing him and his friends. The accused hurled insults, calling him तु फेमस असशील तुझ्या गावी चर्मकारवाडीत and made threatening remarks about their character and behavior, claiming they knew what they were doing and threatening to confront them. The informant and his friends left but returned later with beer. At that point, the accused, including Deep Shirke and six others, arrived, and Aaditya Sawant started attacking Rutik Katalkar. The accused also assaulted the informant, casting caste-based insults such as तु निखिल जानवलकरला तु चांभार आहेस ना, तु तुझ्या लायकीत रहायचे नाही तर तुला घरात घुसुन मारेन, तु काय शहाणा नाहीस, and warned against further provocation. They threatened to attack Roshan Dhamane when he entered his house. Deep Shirke took the informant on his Bullet motorcycle to Roshan Dhamane's house, stopping at a shop run by Mullaji. Subsequently, Deep Shirke assaulted Rutik Katalkar again, abducted him, and threatened to kill him. They also damaged Rutik's mobile phone and the informant's Royal Enfield Bullet motorcycle.

3. Thereafter, the informant went to the police station and filed a complaint at Guhagar police station on 03.08.2026. On the basis of the same, the aforesaid offense was registered."

3. It is submitted by learned Counsel for the Appellant that, there is delay of 30 hours in reporting the incident to the police. The Accused Nos. 2 and 3, who are named in the FIR, came to be arrested and released on bail by the learned Special Court. There is nothing to show that, the victim was abused on his caste. There is nothing to show that, the caste abuse was heard by third persons. He submits that, the statement of the police constable recorded on 6th August 2026 does not support the case of the victim. In support of his submissions, he relied on the decision dated 23rd February 2026 passed in Criminal Appeal No. 508 of 2025, decision dated 10th March 2023 in Criminal Appeal No. 1258 of 2022, and the order dated 10th September 2026 passed by the Special Court in the application by which the co-accused are granted regular bail. He submits that, the appeal be allowed and the order passed by the learned Special Judge be quashed and set aside.

4. The appeal is opposed by the learned APP and learned Counsel for the victim. They submit that, the victim's statement, upon which the crime came to be registered, clearly shows that, the Appellant has assaulted the informant and had also abused him on his caste. The medical papers show the injuries on the first informant and the witness. They submit that, there are criminal antecedents to the Appellant. They submit that, the statements of the witnesses support the case of the prosecution that, the Appellant assaulted the first informant and the witness and also abused on the caste. They submit that the appeal be dismissed.

5. The crime registered on the report lodged by the first informant with the Guhagar Police Station, District Ratnagiri, vide C.R. No. 0069 of 2026, is for the offence punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act and for the offence punishable under Sections 118(1), 115(2), 351(2), 352, 131 and 3(5) of the Bharatiya Nyaya Sanhita, 2023. Perusal of the FIR shows that, the positive role of assault by wooden stick is attributed to the Appellant. The report lodged by the first informant also shows that the Appellant abused the informant on his caste. The first informant belongs to the Scheduled Caste. The report lodged by the first informant finds corroboration by the witness, Rutik. The medical papers shows seven (7) simple injuries on the first informant and nine (9) simple injuries on the witness, Rutik. The act of causing hurt

is covered by the Schedule to the SC/ST Act, which clearly makes out the case for the offence punishable under Section 3(2)(va) of the SC/ST Act. Perusal of the decisions relied upon by the learned Counsel for the Appellant shows that, the factual aspect of those cases were different. The observations made by the Special Court in order dated 10th September 2026 are made while considering the application for regular bail. The learned Special Judge in the impugned order dated 10th August 2026 has made the following observations :

> *"I0. In this matter, the FIR contains a specific allegation regarding caste-based abuses committed by accused Aaditya Sawant. Additionally, the FIR mentions that accused Deep Shirke, Jeet Shirke, and Aaditya Sawant abused the informant allegedly because of his caste. The supplementary statement indicates the involvement of the accused in the offense. The accused not only verbally abused and assaulted the informant and his friends but also recorded the assault on video and made it viral. Therefore, in my opinion, a prima facie case is established for an offense punishable under the SC & ST (Prevention of Atrocities) Act. Consequently, the provisions under section 18 of the SC & ST (Prevention of Atrocities) Act apply in this case, and the anticipatory bail application is not tenable. The investigation is still at an early stage. Given the nature of the offense, it is not appropriate to exercise discretion to grant anticipatory bail. Therefore, I proceed to pass the following order."*
> *ORDER*
> *1.The application (Exh.1) is rejected.*
> *2.Inform the police station accordingly.*

6. In view of the above discussions, in my considered view, no case is made out to interfere in the order impugned and the appeal is liable to be dismissed. Hence, the following order:

ORDER

(i) The appeal stands dismissed.

(ii) Pending applications, if any, stand disposed of.

[NEERAJ P. DHOTE, J.]