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

CR. APPEAL NO. 242 OF 2026

Akshay Manaji Chavan ...Appellant

V/s.

The State Of Maharashtra And Others ...Respondents

Mr. Mohit Prabhakar Dalvi a/w Vaibhav Arage for the Appellant.
Mr. Anand Subhash Shalgaonkar, APP for the Respondent Nos. 1 & 2-State.
Mr. Vaibhav Gaikwad a/w Samrat Hajare, Suraj Bhosale, Pratiksha Chaugule for Respondent No. 3.
Mr. Rajendra Tukaram Arwatg, HC, SDPO office Chiplun.

CORAM : NEERAJ P. DHOTE, J.
DATE : 20th NOVEMBER, 2026

P. C. :

1. Heard the learned Counsel for the Appellant, learned APP for the State and learned Counsel for Respondent No.3. With their assistance, perused the papers on record.

2. This is an appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the SCST Act") against the order dated 10th September 2026 passed by the learned Judge, Special Court, Chiplun, in Anticipatory Bail Application No. 60 of 2026, rejecting the Application for anticipatory bail of the Appellant.

3. The prosecution's case, as seen from the impugned order, is 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.*
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> *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."*

4. It is submitted by the learned counsel for the Appellant that the Appellant is not named in the FIR and no role is attributed to the appellant by the informant in the FIR. He points out that the only role attributed to the Appellant in the supplementary statement of the informant and the witness is that the Appellant had video-recorded the incident of caste abuse and assault on the informant. There is no material

to show that the Appellant was a member of the unlawful assembly. Therefore, the rejection of the Bail Application by the learned Special Judge needs to be interfered with, since the bar under Section 18 of the SCST Act would not be attracted against the Appellant.

5. It is submitted by the learned APP for the State and the learned counsel for Respondent No. 3 (victim) that though the Appellant is not named in the FIR, in the supplementary statement of the informant, the Appellant's role has been specified. The accused persons uttered caste abuse, assaulted the informant, kidnapped the informant, and forcibly made the informant board the car and took him to another place. During the course of investigation, the role of the Appellant surfaced, and therefore the Appellant has been named as one of the accused in the charge-sheet. They submit that no case is made out for interference with the impugned order and the Appeal be dismissed.

6. Section 18 of the SCST Act provides that nothing in Section 438 of the Code of Criminal Procedure shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act. The crime is registered on the report lodged by the first informant with the Guhagar Police Station, District Ratnagiri, vide C.R. No. 0069 of 2026 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. Subsequently, the offences punishable under Sections 189(2), 190 and 191(2) of the Bharatiya Nyaya Sanhita (BNS) came to be included in the crime. The Appellant is arraigned as accused No. 4 in the charge-sheet. The role attributed to the Appellant in the charge-sheet is that he had recorded the incident on a mobile phone and was a member of the unlawful assembly which forcibly made witness Rutik Katkar sit in the four-wheeler. The provisions of Section 3(2)(v) and 3(2)(va) of the SCST Act read as under:

> *3(2)(v) commits any offence under the Indian Penal Code (45 of 1860)* punishable with imprisonment for a term of ten years or more against a person or property [knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member], shall be punishable with imprisonment for life and with fine;*
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> *3(2)(va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860)* for such offences and shall also be liable to fine"*

7. The Schedule in the SCST Act provides certain Sections. One of the offences covered under the Schedule to the SCST Act is that of unlawful assembly. One of the offences under which the charge-sheet has been submitted is also the offence of unlawful assembly. The observations made

by the Special Court in the impugned order read as under:

> *"11. In this matter, though there is no mention in the FIR the name of the applicant/accused, his name is disclosed subsequently in additional statement. He was the person who video recorded the assault. 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 applicant/accused is having criminal background. Till today applicant/accused is not found by the police and shown absconding. Given the nature of the offence, it is not appropriate to exercise discretion to grant anticipatory bail. Therefore, I proceed to pass the following order."*

8. In view of the above discussion, in my considered view, no case is made out to interfere with the impugned order. 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.

III. Needless to state that the observations made above are restricted to deciding this Appeal.

[NEERAJ P. DHOTE, J.]