

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
APPEAL NO.1012 OF 2025**

Avinash Sampatrao DeshmukhAppellant

Vs.

The State of Maharashtra & Anr.Respondents

Mr. Pramod Sutar with Mr. Atharva R.B. & Ms. Seema Sutar, for the Appellant.

Mr. Nitin B. Patil, APP, for the Respondent No.1-State.

Adv. Harsha R. Khandelwal with Mr. Gajanan Kore, for the Respondent No.2.

Mr. Rajeev Maruti Kendre, PSI, Atpadi Police Station is present.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 12th FEBRUARY 2026

PC.:-

1. The Appellant has filed this Appeal under Section 14A of the Scheduled Castes and The Scheduled Tribes (Prevention Of Atrocities) Act, 1989 (**'SCST Act'**). The crime is registered against the Appellant vide Crime Registration No.361 of 2025 for the offences punishable under Sections 79, 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (**'BNS'**) and Sections 3(1)(r), 3(1)(s), 3(1)(w)(ii) and 3(2)(va) of the SCST Act.

2. The complainant is adjacent resident of the Appellant. The Appellant owns liquor shop situated on one side of the complainant's

house and bar named Virangula adjacent to it. On 2nd October 2025 at around 12:00 noon, the Appellant allegedly commenced the demolition of government sewer line situated between the informant's residence and the Virungula bar. Upon the informant approaching the Appellant to enquire about the reason for the said demolition, the Appellant directed indecent abuse towards the informant and her husband. The Appellant then allegedly committed an act of criminal intimidation by advancing towards the informant with the Appellant intend to cause therefore grievous hurt. Informant's son-Suyash was recording the said incident on his phone. Upon noticing this, the Appellant allegedly exposed himself indecently by putting down the zip of his pant and making an obscene remark instructing informant's son to record his private part and further abused her on caste knowing that the informant belongs to scheduled caste. The crime is registered and the Appellant has filed this Appeal for grant of anticipatory bail.

3. The counsel for Appellant has stated that the offence under Section 79 of the BNS is bailable offence. The offence under the SCST Act will not be attracted as naming the caste does not amount

to humiliation. In this case, only the Appellant has named the caste. There is no abusive language or humiliating the caste against this Applicant. Hence, there is counter FIR. Earlier, the daughter of complainant has lodged the complaint and FIR under the SCST Act was registered. He is on bail in that crime. As there is no any humiliation about the caste, the offence under the SCST Act will not be made out. Hence, prayed to protect him by granting anticipatory bail.

4. The learned counsel for the Respondent No.2 has filed the affidavit on record alongwith photographs. The photographs show that the Appellant has opened the zip and has shown his private part to take the photograph and in that context he has uttered the words naming the caste. The counsel for the Appellant has sated that he was released on bail in earlier atrocity case and he has committed again another offence. Hence, prayed to reject the appeal.

5. Heard learned Advocate appearing for both the parties.

6. After considering the contents of the FIR, it appears that the though the offence under Section 79 of the BNS is bailable, the act

which he has done alongwith the utterance of the caste, amounts to humiliating the caste and, therefore, *prima facie* the offence under the SCST Act is made out.

7. Hence, the Appeal is rejected.

(MRS. VRUSHALI V. JOSHI, J.)

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