

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

APPEAL NO.1015 OF 2025

Atul Bhairvnath Khupse

.....Appellant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Ashutosh Parwant i/b Mr. Viresh Parwant, for the Appellant.

Mr. Pankaj P. Deokar, APP, for the Respondent-State.

Mr. Shailesh Chavan, for Respondent No.2

Mr. Prashant Madane, Tembhurni Police Station

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 17th FEBRUARY 2026

PC.:-

1. The Appellant apprehends arrest in C.R. No.711 of 2025 registered with Tembhurni Police Station for the offences punishable under Sections 3(1)(r), 3(1)(s), and 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Sections 109, 119(1), 118(1), 115(2), 352, 351(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the first informant was working as a labourer on the farm of the present Appellant. He was residing in the said farm and was engaged in agricultural work there. It is alleged that initially, for about fifteen days, the first informant

stayed in the farm at the request of the Appellant. Thereafter, when the first informant expressed his desire to leave the farm and to attend the work by commuting from his house, the Appellant allegedly refused to permit him to do so and abused him by taking the name of his caste and also assaulted him. Consequently, the first informant continued to work on the farm.

3. It is further alleged that again, on the occasion of Raksha Bandhan, the first informant requested permission to go to his house. At that time, he was allegedly assaulted by fist and blows and was not allowed to leave the farm. He was compelled to stay back and continue to work. It is alleged that on this occasion also, he was abused by taking the name of his caste. The prosecution alleges that whenever the first informant attempted to escape, the present Appellant along with other co-accused assaulted him and abused him by referring to his caste.

4. The prosecution further refers to a specific incident dated 20th September 2025, wherein it is alleged that the first informant was compelled to consume poison. It is alleged that he was assaulted by the co-accused and poison was administered to him. Thereafter, he

was taken to the hospital, where threats were allegedly given to him, and under pressure he made a statement that he had himself consumed the poison. It is alleged that the medical expenses were not paid by the accused persons and that he was subsequently discharged from the hospital.

5. It is further alleged that a false complaint was thereafter lodged against the present Applicant by the daughter of one of the co-accused, pursuant to which the Applicant came to be arrested.

6. The learned counsel appearing for the Applicant submits that the Appellant is a politician person and that several criminal cases have been registered against him on account of his political agitations and activities. It is submitted that in many of the said cases, the Appellant has already been discharged. A detailed chart indicating the cases registered against the Appellant has been placed on record. In all, about twenty-six cases have been registered against the Appellant, all of which arise out of his political activities.

7. It is further submitted that the Appellant has not committed any offence as alleged and that he is falsely implicated in the present

case with an ulterior motive. The allegations regarding abuse by taking the name of caste are false, concocted, and made only with a view to attract the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

8. In view of the above circumstances, it is prayed that this Hon'ble Court may be pleased to protect the Appellant by granting him anticipatory bail.

9. The learned counsel appearing for the Respondent No.2 opposed the Application and submitted that the offence registered against the complainant was lodged only after registration of the present crime and that the same was filed by making false allegations against the complainant. It is submitted that the complainant has been in jail since then, as offences under the Protection of Children from Sexual Offences Act have been invoked against him.

10. It is further submitted that serious allegations are made against the present Applicant and that, owing to political influence, the Applicant has been discharged in several earlier offences, as is evident from the chart placed on record by the Appellant himself. It

is contended that the Applicant is a person who has been exerting pressure upon the complainant.

11. It is therefore submitted that considering the seriousness of the offences and the conduct of the Applicant, custodial interrogation of the Applicant is necessary. Hence, it is prayed that the Application be rejected.

12. The learned Assistant Public Prosecutor opposed the Application and submitted that a number of criminal cases are registered against the present Appellant, including offences of a serious nature. It is submitted that the Appellant is a habitual offender and that, owing to political influence, he has been discharged in some of the earlier cases.

13. It is further submitted that the Appellant has misused his position and has committed the alleged offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is contended that the statutory bar under Section 18 of the said Act is attracted in the present case.

14. Considering the nature and gravity of the allegations, it is

submitted that custodial interrogation of the Appellant is necessary. Hence, it is prayed that the Application be rejected.

15. Heard learned counsel for the parties.

16. Upon perusal of the FIR, it appears that several incidents are alleged to have occurred since 9th May 2025. The allegations repeatedly refer to assaults by wooden sticks and by fist and blows, and on each occasion it is alleged that abusive words referring to caste were uttered. However, it is significant to note that no complaint was lodged by the informant contemporaneously with any of the alleged incidents.

17. The offence under Section 109 of the Bharatiya Nyaya Sanhita has also been invoked; however, at the relevant point of time, no complaint was made and the informant himself stated that he had consumed poison on his own.

18. Though the FIR contains allegations of caste-based abuse, it is evident that the informant did not report the alleged utterances immediately. The crime registered under the Protection of Children from Sexual Offences Act pertains to the daughter of one of the co-

accused and, therefore, the same cannot be treated as a counter-FIR arising out of the offence registered against the present Applicant. The said offence is not registered against the present Applicant.

19. It is further noticed that the informant is presently in jail, whereas the present Appellant has disclosed about twenty-four antecedents against him. The Appellant has fairly placed on record a chart indicating the cases in which his name appears, the cases in which he has been discharged, and the reasons for his implication, which according to him arise out of his political activities.

20. Considering the nature of the allegations made in the present FIR, it is apparent that none of the alleged incidents are stated to have taken place in public view. Consequently, no *prima facie* offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is attracted, and therefore the bar under Section 18 of the said Act does not come into operation.

21. Considering the circumstances, a case is made out to protect the Applicant by granting anticipatory bail. Hence, the following orders:

ORDER

- i) Appeal is **allowed**.
- ii) In the event of arrest of the Appellant, namely, **Atul Bhairvnath Khupse** shall furnish personal bond of **Rs.15,000/-** with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the Investigating Officer;
- iii) The Appellant shall remain present before the concerned police station on every Thursday between 11.00 a.m. to 01.00 p.m.;
- iv) The Appellants shall cooperate with the investigation and make himself available for interrogation whenever required;
- v) The Appellant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- vi) The Appellant shall maintain law and order;
- vii) The Appellant shall, at the time of execution of the bond, furnish his residential address and contact number to the Investigating Officer, and the Court concerned, and shall not change the residence till the final disposal of the case;

viii) The Appellant shall regularly remain present during the trial, and cooperate with the Hon'ble Court to complete the trial for the above offenses.

ix) If breach of any of the above conditions is committed, the order of anticipatory bail would be canceled. It would be open to the Investigating Officer to file an application for remand, and the Magistrate concerned would decide it on merits, without being influenced by the grant of anticipatory bail order.

x) The Applicant shall not commit any offence. In the event the Applicant commits any offence during the pendency of the present crime, the State shall be at liberty to file an application for cancellation of bail.

(MRS. VRUSHALI V. JOSHI, J.)