IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.388 OF 2024

Nitin Vaman Nikam & Ors. … Appellants
Vs.
The State of Maharashtra & Anr. … Respondents

Mr. Akshay Bankapur for the Appellants.
Mr. Mayur Sonavane, APP for Respondent No.1-State.
Mr. Tanmay Kate, appointed advocate for Respondent No.2.
IO DySP Roshan Pandit, Manmad Division is present.

CORAM : N.R. BORKAR, J.
DATE : 08TH OCTOBER 2026

MUGDHA MANOJ PARANJAPE
Digitally signed by MUGDHA MANOJ PARANJAPE
Date: 2026.10.13 15:05:42 +0530

P.C. :

1. This Appeal under Section 14-A of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 takes exception to the order dated 26th March 2024 passed by the Learned Additional Sessions Judge, Niphad in Criminal Miscellaneous Bail Application No.54 of 2024.

2. By the impugned order, the Learned Additional Sessions Judge has rejected the anticipatory bail application filed by the Appellants, who are apprehending their arrest in Crime No.42 of 2024 registered at Chandwad Police Station for the offences punishable under Sections 143, 149, 323, 342, 504 and 506 of the Indian Penal Code and under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “SC & ST Act”).

3. It is the case of the prosecution that on the date of the incident, which took place on 04th February 2024, on account of some trivial issue,

present Appellants assaulted the first informant, who belongs to Scheduled Tribes, with sticks and abused him by referring to his caste. It is further case of the prosecution that on 09th February 2024 during a meeting in relation to the said incident the relatives of the first informant were abused on caste in presence of about 50 to 60 persons.

4. I have heard Learned Counsel for the Appellant, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2.

5. Learned Counsel for the Appellant has drawn my attention to the pursis filed by the first informant before the Sessions Court wherein he has mentioned that they have settled the matter amicably. Learned Counsel for the Appellants submits that the prosecution has already filed chargesheet against the present Appellants.

6. Learned Counsel for Respondent No.2 does not dispute the fact that the parties have amicably settled their dispute. Learned APP for Respondent No.1-State submits that in view of the bar contained under Sections 18 & 18-A of the SC & ST Act, the present Appellants may not be released on anticipatory bail.

7. The fact that the investigation is over and the prosecution has already filed chargesheet is not disputed. The pursis filed before the Sessions Court shows that the parties have amicably settled their dispute. There are no criminal antecedents against the Appellants. Considering the overall facts and circumstances of the case, I am inclined to release the Appellants on anticipatory bail. Hence, the following order:

ORDER

i. The Appeal is allowed.

ii. The impugned order is set aside.

iii. In the event of the arrest of the Appellants in Crime No.42 of 2024 registered at Chandwad Police Station for the offences punishable under Sections 143, 149, 323, 342, 504 and 506 of the Indian Penal Code and under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, they shall be released on bail on furnishing a PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties in the like amount.

iv. The Appellants shall not commit any other crime.

8. The Appeal is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)