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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1186 OF 2025

Manohar C. Sharma ...Appellant.
V/s.
State of Maharashtra & Ors. ...Respondents.

.....

Mr. Monish Bhatia a/w. Mr. Mohit Jagiasi for the Appellant.
Mr. P.H. Gaikwad, APP for the Respondent/State.
Mr. Sushan N. Mhatre, Appointed Advocate for Respondent No.2.
API Manoj S. Khule, Hill Line Police Station, Ulhasnagar is present.

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CORAM : N.R. BORKAR, J.
DATE : 08.10.2026.

P.C. :

1. This appeal under Section 14-A of the of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act (for short “SC & ST Act”) takes exception to the order dated 21.11.2025 passed by the learned Additional Sessions Judge, Kalyan below Exhibit-1 and 3 in Anticipatory Bail Application No. 2478 of 2025.

2. By the order impugned, learned Additional Sessions Judge has rejected the application for anticipatory bail filed by the present appellant, who is apprehending his arrest in C.R. No.613 of 2025 registered at Hill Line Police Station for the offences punishable under Sections 3(1)(r)(s) of the SC & ST Act.

3. It is the case of the prosecution that on the date of the

incident, which took place on 4.11.2025 a dispute arose between the first informant who belongs to scheduled caste and the present appellant on account of the removal of garbage which was lying near the first informant's house. It is alleged that during the said dispute, the appellant had abused the first informant on his caste and obstructed the employees of Konark Company who had come to clean the garbage. It is further alleged that when the first informant objected to the caste based remarks, the appellant threatened him of dire consequences.

4. I have heard the learned counsel for the appellant, learned APP for the State and the learned counsel for respondent No.2.

5. Learned counsel for the appellant submits that there is nothing to show that the appellant was aware of the caste of the first informant. It is further submitted that the allegations do not show that the alleged incident occurred within a public view. It is submitted that there is no need of custodial interrogation and the appellant is ready to cooperate with the investigation.

6. On the other hand, learned APP for the respondent/State and learned counsel for respondent No.2 submit that there are specific allegations in respect of abuses based on caste. It is submitted that in view of the bar contained under Sections 18 and 18-A of the SC & ST Act, the application for anticipatory bail may not be entertained.

7. I have perused the F.I.R.. *Prima facie* there appears to be substance in the submission of the learned counsel for the appellant that there is no material to indicate that the appellant was aware about the caste of the first informant. Apart from it, p*rima facie*, the alleged incident does not appear to have occurred within a public view. In that view of the matter, I am inclined to release the appellant on anticipatory bail on certain conditions. In the result, the following order is passed:

O R D E R

(i) The Appeal is allowed.

(ii) The impugned order dated 21.11.2025 passed by the learned Additional Sessions Judge is set aside.

(iii) In the event of arrest of the appellant in C.R. No.613 of 2025 registered at Hill Line Police Station for the offences punishable under Sections 3(1)(r)(s) of the SC & ST Act, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iv) The appellant shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.

(v) The appellant shall not tamper with the prosecution evidence.

[N.R.BORKAR, J.]