IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.875 OF 2024

Vikas Balasaheb Bhor …Applicant

Versus

State of Maharashtra & Anr. …Respondents

Mr. Prashant Aher h/for Mr. Vipul Patil, Rishi Dubey, Aryan Shutvesh, Advocate for Applicants.
Ms. S.M. Yadav, APP for the State.
Mr. Akshay Dingale, Advocate for Respondent No.2.
PSI, S.N. Patil, Aalephata Police Station, Pune Rural present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 12th January 2026

P.C.:

1. Heard Mr. Aher, learned Counsel for the Applicant, Mr. Akshay Dingale, learned Counsel appointed to represent interest of Respondent No.2 and Ms. Yadav, learned APP for the State.

2. This Application is filed under Section 438 of Code of Criminal Procedure, 1973 seeking pre-arrest bail in connection with C.R. No.227 of 2023 registered with Aalephata Police Station, Pune Rural, for the offences punishable under Sections 354, 323, 324, 427, 504, 506 read with Section 34 of the Indian Penal Code, under Sections 3(1)(r)(s), 3(1)(w)(i), (ii) of the Scheduled Castes

& Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("SCST Act") and under Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 ("POCSO Act") and Section 92(a) of the Rights of Persons with Disabilities Act, 2016.

3. At the outset, it is required to be noted that the Applicant has earlier filed Criminal Appeal bearing No.774 of 2023 under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention) of Atrocities Act, 1979 as *inter alia* offence is under SCST Act. However, as the offence is also under Sections 8 and 12 of the POCSO Act, 2012, the Criminal Appeal is converted into Anticipatory Bail Application pursuant to the Order dated 22nd March 2024 passed by learned Single Judge in said Criminal Appeal No.774 of 2023 and accordingly Criminal Appeal is converted into Anticipatory Bail Application No. 875 of 2024.

4. A learned Single Judge by detailed Order dated 17th July 2023 has granted pre-arrest bail. One of the ground mentioned by a learned Single Judge in said Order dated 17th July 2023 is that the allegations as regards offence under SCST Act are very vague and therefore bar under Section 18 of SCST Act is not attracted. The said Order reads as under :

“1. Leave to amend to annex relevant documents. Amendment may be carried out within one week from today.

2. Issue notice to respondent No.2, returnable on 8th August, 2023.

3. The appellant is apprehending arrest in connection with C.R. No.227 of 2023 registered with Aalephata Police Station, Pune (Rural) for offences punishable under Sections 3(1)(r), 3(1)(s), 3(1)(w), 3(1)(w) (i), 3(i) (w)(ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SC/ST (Prevention of Atrocities) Act"), Sections 354, 324, 323, 427, 504, 506 r/w Sections 34 of Indian Penal Code (for short "IPC"), Sections 8 & 12 of the of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and Section 92(a) of the Rights of Persons with Disabilities Act, 2016.

4. The appellant had preferred an application for anticipatory before the Court of Sessions which has been rejected by order dated 04.07.2023.

5. The alleged incident had occurred on 12.05.2023. It is alleged that the co-accused had abused the complainant and others on the basis of their caste. The appellant was allegedly involved in committing the act of molestation amounting to outraging the modesty of women. The FIR was registered on 13.05.2023.

6. Learned Advocate for the appellant submitted that, on the day of incident the sister of appellant had forwarded the complaint to the Police via E-mail stating that the opponents had joined together and assaulted her and others. Subsequently the FIR was registered on the statements of appellant's sister on 14.05.2023 at the same Police Station for offences under Sections 323, 324, 384, 447, 448, 427, 504, 506 r/w Section 34 of IPC against the Santosh Nimse, Rohan Thorat, Chaitanya Nimse, Anita Thorat & Trupti Thorat (Complainant in the present case). The co-accused were

attributed the role of hurling abuses on caste was granted anticipatory bail by the Sessions Court on the ground that the allegations are vague and that the bar under Section 18 of the SC/ST (Prevention of Atrocities) Act is not attracted.

7. Learned A.P.P. submitted that the investigation is in progress. Specific role has been attributed to the appellant in the FIR.

8. Considering the factual aspects as stated above, interim protection can be granted to the appellant.

ORDER

i. In the event of arrest of the Appellant in connection with C.R. No.227 of 2023 registered with Aalephata Police Station, Pune (Rural) the Appellant be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;

ii. This interim protection is granted till the next date of hearing."

5. It is an admitted position that the said Order is in operation for last about 2½ years. It is also an admitted position that the Charge-sheet is filed on 30th October 2023.

6. It is the submission of Mr. Dingale, learned Counsel for the Respondent No.2 and Ms. Yadav, learned APP that the offence is very serious and therefore Anticipatory Bail Application be rejected. Both of them further submitted that, perusal of record

shows that even the offence of SCST Act is also made out and therefore Anticipatory Bail be rejected.

7. The offence *inter alia* is under Section 3(1)(r) of the SCST Act i.e. intentionally insulting or intimidating a member of a Scheduled Caste (SC) or Scheduled Tribe (ST) with the intent to humiliate them in a place within public view. *Prima facie*, material on record do not show that the said offence is made out.

8. Already a learned Single Judge has observed that the allegations are vague.

9. As noted hereinabove, ad-interim protection is operating for last about 2½ years. The Charge-sheet is already filed on 30th October 2023 and therefore the investigation is completed.

10. Accordingly, case is made out for grant of anticipatory bail.

11. The Anticipatory Bail Application is disposed of in terms of Order dated 17th July 2023.

12. The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

13. This Court places on record its appreciation for the assistance rendered by Mr. Akshay Dingale, learned Advocate appointed to represent the interest of the Respondent No.2.

14. The High Court Legal Services Authority is requested to pay professional fees of Mr. Akshay Dingale, as per rules.

(MADHAV J. JAMDAR, J.)