

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 865 OF 2025

Anna Pandurang Wagh

...Appellant

Versus

State of Maharashtra and anr.

...Respondents

Ms. Ankita A. Pawar, for the Appellant.

Ms. Deepali Bagla, for the Respondent No.2.

Mr. R. M. Pethe, APP, for the State.

Mr. Dashrath Ganapat More, Police Hawaldar, Nandgaon Post,
Nashik, is present.

CORAM: R. M. JOSHI, J.

DATED: 16th JANUARY, 2026.

PC:-

1. This appeal is against the impugned order dated 25th July, 2025 passed in anticipatory bail application No. 656 of 2024 whereby the anticipatory bail application filed by the Appellant came to be rejected by the Trial Court.

2. It is the contention of the learned counsel for the Appellant that in respect of the incident occurred on 26th June, 2025, the report came to the lodged on 27th June, 2025. In the said report, it was never claimed by the Informant that she was abused over her caste, and therefore offence under the Scheduled Caste and Scheduled Tribes (Prevention of atrocities) Act would be applicable. After about six days of the lodging of the report,

supplementary statement came to be recorded making allegations against the insult of the Informant over the caste. It is the submission of the counsel for the Appellant that there is no explanation of whatsoever nature as to why those statements are not appearing in the first information report. It is submitted that the investigation into the crime is already completed, and as such, the interim relief granted by this Court be confirmed.

3. Learned APP as well as learned counsel for Respondent No.2 opposed the contention by submitting that the statement made by the Informant in the supplementary statement is sufficient to attract the provisions of the Atrocities Act and in view of Section 18, thereof, no anticipatory bail can be granted to the Appellant.

4. No doubt, when there is prima facie case made out for application of the provisions of the Atrocities Act, the embargo of section 18 would come in play. It is not contended by the Informant that her statement at the time of recording of first information report was not recorded correctly or as stated by her. The supplementary statement came to be recorded after about six days of the registration of first information report, even in the said statement, she was not able to disclose the alleged utterances made by the Appellant at the time of recording of the first information.

5. In such circumstances, this Court finds substance in the contention of the learned counsel for the Appellant that this could be a case of false implication, and the supplementary statement has been made in order to ensure that the no bail can be granted to the Appellant. In any case, having regard to the facts of the

present case, since the charge-sheet has already been filed, the custodial interrogation would not be necessary. This Court finds substance in the contention of the counsel for the Appellant that in facts of the case false implication is not ruled out.

6. Having regard to the above facts, this Court has no hesitation to confirm the interim relief. Hence, the following order:-

ORDER

(i) Appeal stands allowed.

(ii) Impugned order is set aside.

(ii) The Appellant is enlarged on bail, on furnishing P.R. Bond in a sum of Rs.15,000/- (Fifteen thousand only) with one surety in the like amount.

7. In view of the above, Appeal stands disposed of.

(R. M. JOSHI, J.)