

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.935 OF 2025

Amar Niranjana Kanojia ...Appellant
Versus
State of Maharashtra and anr. ...Respondents

WITH
CRIMINAL APPEAL NO.937 OF 2025

Chetan Prithviraj Bora ...Appellant
Versus
State of Maharashtra and anr. ...Respondents

AND
CRIMINAL APPEAL NO.938 OF 2025

Dipak Shantilal Bhandari ...Appellant
Versus
State of Maharashtra and anr. ...Respondents

Mr. Ashok Mundargi with Ms. Sejal Todkar and Mr. Vikram Chavan
i/by C. K. Legal, for the Appellants.
Mr. Pratik Kalantri with Ms. Deepali Kasab and Mr. Shyam Badode,
for the Respondent No.2.
Mr. R. M. Pethe, APP, for the State.

CORAM: R. M. JOSHI, J.

DATED: 9th FEBRUARY, 2026.

PC:-

1. These appeals under section 14A of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“the Act”) takes exception to the order dated 14th August, 2025 rejecting application for anticipatory bail filed by the Appellants

solely on the ground of embargo created under Section 18 of the Act for the grant of pre-arrest bail.

2. Learned senior counsel appears for the Appellants submits that the Appellants are managing the business of solid waste management and for that purpose employees were engaged by them. It is his submission that from the documents on record it cannot be said that the Appellants having knowledge of any interest with regard to the caste of the Informant. To substantiate the said submission, reference is made to the application, undertaking as well as other documents submitted by the Informant. It is his further submission that in the First Information Report ("FIR") the allegation is made with regard to the demand of Rs.6,000/- under the threat of termination of services, in the said report itself it is concluded that since the amount collected from the employees was not used for welfare of the employees, the report came to be lodged. A reference is also made to the interim order passed by this Court granting protection from arrest to the Appellants holding that the statements of witnesses recorded by the Investigating Officer do not support the abuses being hurled by the Appellants in the incident in question. On these amongst other contentions, it is his submission that it is a fit case for grant of anticipatory bail.

3. Learned counsel for the Respondent No.2-Informant opposed the said appeal essentially on the ground that this is a clear cut case of extortion being committed by the Appellants to the employees. It is his submission that there is termination of service of the employees effected only for the reason that they recorded

statement with the police. It is his further submission that this Court in order dated 8th October, 2025 has recorded the statement of the learned counsel for the Appellants that no action will be taken against the employees simply because they have given statement to the police, however, they are terminated. It is his further submission that the removal of the witnesses for the reason of recording of the statement from them, is contrary to the spirit and the protections provided to them by the Act. It is his submission that there is sufficient evidence to show that Rs.6,000/- was extorted by the Appellants. Finally, there is contention that since *prima facie* the offence is made out under the Atrocities Act, in view of Section 18 of the Act, no anticipatory bail can be granted to Appellants.

4. Learned APP appearing for the State also opposed the appeal mainly on the ground that the statements of witnesses indicate that right from the first incident of demand of Rs.6,000/- it could be seen that, same has been done for the reason that the employee/witness belongs to scheduled caste community. It is his submission that the said statement indicates that the incident of abuses continued for a long period of time and as such the offence under the Act is made out.

5. There cannot be any dispute made with regard to the proposition of law that once a *prima facie* case is made out attracting the provisions of the Act, the embargo created by Section 18 of the Act would come into play. However, where there is no *prima facie* case made out for invocation of the provisions of the said Act or if the Court finds that the F.I.R. is malafide and no

offence could be said to have been committed against member of scheduled caste or scheduled caste community, only for reason that they belong to said community, such embargo would not get attracted.

6. *Prima facie* perusal of the FIR indicates that though the First Informant claims that Rs.6,000/- was sought from each employee under the threat of termination of their services, in the later part of the First Informant it is stated that since a sum of Rs.13,16,000/- was collected by the Appellants and said was not used for the welfare of the employees, they realized that the said amount is being siphoned by the said Appellants. Though statement of witnesses are relied upon by learned APP, a bare perusal of the same indicate that it is contrary to Informant's version. Information no where claims that since he and others belonged to scheduled caste or scheduled tribes community, such amounts were sought. On the contrary, the allegation of demand of Rs.6,000/- is omnibus and not related to any community in particular. The statements relied upon by Prosecutor do not support the First Information Report. In the light of these facts, the FIR is silent as to the date and even approximate time at which the incident of abuses being hurled by the Appellants has occurred. Needless to say that, in order to attract the offences of abuses/insult of Informant of the member of the scheduled caste and scheduled tribes community, the offence in question must take place in public view.

7. In this regard, reference can be made to the judgment of the Hon'ble Supreme Court in the case of *Hitesh Verma Vs. State of Uttarakhand reported in (2020)10 SCC 710*. This Court has gone

through FIR as well as the statement of witnesses recorded during the course of the investigation. The said statements do not indicate that the incident mentioned in the FIR was witnessed by any person though witnesses were said to have been present on the spot. Thus, *prima facie* in order to hold that offence has been committed in the public view, there is no material on record.

8. In so far as the allegation of extortion is concerned, as recorded hereinabove, FIR itself indicates that since the money was not used for the welfare, the offence is registered. Thus, *prima facie* ingredients to constituted offence of extortion are absent here. It is settled position of law that criminal law is not allowed to be invoked for the purpose of recovery of money or for conversion of civil dispute into criminal one.

9. As far as the termination of employment of the Informant and some of the witnesses is concerned, the learned counsel for the Appellants has drawn attention of the Court to the documents indicating that there is termination of the contract which required reduction of the strength of the employee. Therefore, *Prima facie* it can be said that the termination could have been effected for different reason than the reason of the lodging of the FIR or for recording of the statement by witnesses. Needless to state that, it is open for the concerned employees to take exception to their termination in accordance with law.

10. Suffice it to say that, since offence under Atrocities Act is not made out, the embargo created by Section 18 of the Act has no application to the present case. Having regard to the nature of allegations, this is not a case, where custodial interrogation of

Appellants would be necessary. Appellants are already protected by interim order dated 15th September, 2025. There is nothing to indicate that the said liberty has been misused by them. This Court therefore finds no justification to reject appeal. Hence, impugned orders are set aside.

11. Appeals stand allowed by confirming interim relief.

(R. M. JOSHI, J.)