

Navnath Waghmare (RA.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 945 OF 2025

Bhalchandra Vijay ShindeAppellant
Versus
The State of Maharashtra and Anr. ...Respondents

Mr. Ajinkya Reddy for the Appellant.
Ms. Kavita Anchan Respondent No. 2 (legal aid)
Mr. Ashok S. Gawai APP for the State

CORAM: R. M. JOSHI, J.

RESERVED ON 24th February, 2026

PC:- PRONOUNCED ON 27th February, 2026

1. This appeal filed under Section 14-A of Scheduled Cast and Scheduled Tribes Prevention of Corruption Act 1989 takes exception to the order dated 12th June, 2025 passed in Anticipatory Bail Application No. 1205 of 2025 rejecting pre-arrest bail sought by Appellant.

2. Appellant apprehends arrest in connection with Crime No. 157 of 2025 registered at Shahpur Police Station, Tq. Shahapur, Dist. Thane for the offence punishable under Section 196 (1), 299 of the Bharatiya Nyaya Sanhita read

with Section 3(1)(v) of the Scheduled Cast and Scheduled Tribes Prevention of Atrocities Act 1989. (for short “Atrocities Act”).

3. The said crime came to be registered on the basis of information given by the Respondent No.2 with regard to the accused having shared objectionable post regarding Lord Gautam Buddha. According to him act of the accused is intentional and to humiliate feelings of person belonging a members of Scheduled Cast and Scheduled Tribes.

4. Learned counsel for the Appellant submits that a bare reading of the post does not indicate any intention on the part of the Appellant to dis-respect any person. It is his submission that the Appellant is working as Assistant Professor in Collector and had disputes with the management. It is also argued that on false reason he was suspended. However, is reinstated on 27th February, 2023. It is claimed that lodging of the First Information Report is an act in retaliation from the management side. It is his

submission that having regard to the nature of offence custodial interrogation of the Appellant is not necessary.

5. Learned A.P.P. and learned counsel for the Respondent No.2 opposed the appeal, thought do attention of the Court to Section 3(1)(v) of the Atrocities Act in order to submit that any act done with an intention to dis-respect Lord Gautam Buddha constitutes an offence. To support their submissions they placed reliance on the post in question. It is argued that since *prima-facie* offence is made out under the provisions of the Atrocities Act, in view of Section 18 thereof Appellant is not entitled for pre-arrest bail.

6. There cannot be any dispute made with regard to the proposition of law that in case an offence is *prima-facie* made out against any person under the provision of Atrocities Act, in view of section 18 thereof no anticipatory bail can be granted. It is in only case where *prima-facie* no such offence is made out under the Act, liberty of the accused can be protected.

7. *Prima-facie*, perusal of the record indicates that there is substance in the contention of respondents that the post in question is on the face of it show dis-respect to Lord Gautam Buddha . The Appellant was not able to indicate anything to hold that there was no intention behind said post. At this stage it would be relevant to note of provisions 3(1)(v) of the Atrocities Act which read thus.

Section -3:- Punishments for offences atrocities,

(1) Whoever, not being a member of a Scheduled Caste or a Sheduled Tribe,

(v) by words either written or spoken or by any other means disrespects any late person held in High esteem by members of the Scheduled Castes or the Scheduled Tribes;

8. The above provision clearly indicates that any act showing dis-respect to a person held in high esteem by members of Scheduled Cast and Scheduled Tribes community constitutes an offence.

9. For the sake of avoiding reiteration of the content of the post the same is not produced in this order, however suffice it to say that in the said post clearly shows dis-respect to Lord

Gautam Buddha, who is held in high esteem by members of scheduled cast and Scheduled Tribes. Thus, *prima-facie* offence under the above provision is made out against appellant.

10. Once it is held that *prima-facie* offence under the provisions of Atrocities Act is made out, embargo created by Section 18 of the Act would come into play. This provision bars applicability of Section 438 of Cr.P.C. to the proceeding under the Act and Courts are precluded from granting pre-arrest bail to the accused.

11. In view of the above discussion, this Court finds no error being committed by this Special Court in rejecting the application for pre-arrest bail and hence there is no merit in the appeal.

12. As a result, of above discussion, appeal stands dismissed.

(R. M. JOSHI, J.)