

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1004 OF 2025

XYZ

...Appellant

Versus

Mohan Genbhau Yele And Anr.

...Respondents

Mr. Vivek Arote with Akshay Dingale, for the Appellant.
Mr. Bhusan Raut, Appointed Advocate, for the Respondent No.1.
Miss. Anagha A. Deshmukh, APP, for the Respondent No.2-State.
Mr. S. M. Aware, Khardi Police Station, present.

CORAM: R. M. JOSHI, J.

DATED: 10th FEBRUARY, 2026

PC:-

1. This Appeal under Section 14A Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short, "SC & ST Act") takes exception to the order dated 24th July, 2025 passed by the Special Court in Criminal Bail Application No. 3690 of 2025 granting anticipatory bail to the contesting respondent in connection with Crime No. 101 of 2025 registered Kharadi Police Station for the offences punishable under Sections 352 of the Bhartiya Nyaya Sanhita, 2023 and under Sections 3(1)(r) and 3(1)(s) of SC & ST Act.

2. Learned Counsel for the appellant submits that there are specific allegation in the First Information Report against the

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respondent with regard to the occurrence of the incident. He further argued that the respondent has abused the informant over her caste and the said incident has been witnessed by Smt. Pathare. On the basis of these statements it is contention that prima facie offences made out against the respondent under the SC & ST Act and hence, the Special Court has committed error in granting anticipatory bail to the respondent.

3. Learned Counsel for the respondent supported the impugned order.

4. Needless to say that if prima facie offence is not made out under the provisions of SC & ST Act, the embargo created by Section 18 of the said Act would not apply. Herein this case, even if the statements of the informants are accepted as it is to be true, the same indicate that the incident has not occurred in presence of any independent witness. Though the presence of Smt. Pathare is shown in the FIR, but there is no dispute about the fact that Smt. Pathare and Pathare family have property dispute with the respondent. Thus, she doesn't become independent witness. In such circumstances, the learned Special Court was justified in granting anticipatory bail. As such, no interference is required in the order impugned.

5. Appeal stands dismissed and disposed of accordingly.

(R. M. JOSHI, J.)