

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1005 OF 2025

Balasaheb Rangnath Patil Katad ...Appellant
Versus
State of Maharashtra and anr. ...Respondents

WITH
CRIMINAL APPEAL (ST.) NO. 20353 OF 2025

Hemant Popat Dambale ...Appellant
Versus
State of Maharashtra and anr. ...Respondents

Mr. Akshay Bankapur, for the Appellant in Appeal No. 1005 of 2025.

Mr. Amey Deshpande, for the Appellant in Appeal (St.) No. 20353 of 2025.

Mr. H. J. Dedhia, APP, for the State.

CORAM: R. M. JOSHI, J.

DATED: 16th JANUARY, 2026.

PC:-

1. Criminal Appeal No. 1005 of 2025 is filed by the Appellant in connection with C. R. No.132, of 2025 registered with Nashik Taluka Police Station, whereas Criminal Appeal (St.) No. 20353 of 2025 came to be filed in connection with Crime No.I-131 of 2025. Since the applications for anticipatory bail filed by the Appellants came to be rejected, present Appeals.

2. Perusal of the first information report in Crime No.I-131 of 2025 so also Crime No.132 of 2025 indicate that the same incident had occurred on 19th August, 2025 in a Gram Sabha, which was scheduled at 9.00 a.m. There is allegation and counter allegation by both sides in respect of the occurrence of the incident. It is alleged by the first informant in Crime No.I-131 of 2025, that female party member was abused over her caste. So also the accused persons therein outraged her modesty. It is alleged that the accused persons torn her clothes, whereas in first information report in Crime No.132 of 2025 first informant claimed himself to be abused over the caste by present Appellant and two other persons. Similarly, it is alleged that some of the female members were also assaulted, and their modesty was outraged. It is thus clear that there are similar allegations made by both sides against each other.

3. Learned counsel for the Appellant in Appeal No.1005 of 2025, submits that the allegations in the first information report lodged against him are by way of Counter Blast. It is his submission that the first information report came to be lodged first in time in crime No.I-131 of 2025, in respect of the incident occurred on 20th August, 2025. It is his submission that in respect of the said incident, if the statements of witnesses are considered, then it is clear that the allegations made by each other are not reliable one. As far as the Appellant in Appeal (St.) No.20353 of 2025 submits that the Appellant belongs to scheduled caste community, and as such, the offenses under the Atrocities Act would have no application to him. It is his submission that the statements of witnesses are unreliable.

4. The learned counsel appearing on behalf of the Appellant in each case are appearing for the Respondent No.2 in each others case and they opposed the Appeals.

5. Learned APP on the other hand, submits that, having regard to the provisions of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, and more particularly, section 18 thereof, the appeals deserve to be dismissed. It is her submission that the investigation into the crime is almost completed and the permission and a sanction is sought from the higher authorities and filing of the charge-sheet. It is her submissions that on the basis of the statements of the witnesses, it cannot be said that the Appellants are entitled for anticipatory bail.

6. No doubt in case offence is made out, even *prima facie* under the provisions of the Atrocities Act, Section 18 would have applications. In so far as Appeal (St.) No.20353 of 2025 is concerned, admittedly Appellant is a member of scheduled caste community, and as such, no offence under the said Act could be said to have been committed by him. With regard to the other allegations against him, this Court is of the view that the statements of Informant as well as the witnesses, are contrary to the version given of the incident by the informant in others and the statements recorded there in this, therefore, create serious doubt about the occurrence of the incident in the manner in which Informant claims.

7. In so far as Appeal No.1005 of 2025 is concerned, there is an allegation sought to be made by the Informant with regard to he being abused over his caste. Statements recorded during the

investigation of Crime No.I-131 of 2025 however do not indicate so. Since the said pertains to same incident, the statements recorded therein cannot be ignored completely, as it indicates what transpired during occurrence of accident. Moreover, when there is allegation with regard to the outraging of the modesty of the female members with their clothes being torn, admittedly, there is no recovery of any such clothes. This creates serious doubt about claim of rival parties in this regard and also actual occurrence of incident in question.

8. Learned APP submits that there is criminal history against the Appellant in Appeal No.1005 of 2025. This Court on the basis of the material on record is satisfied that this is a politically motivated case, and there is substance in the contention of counsel for both Appellants that the statements of the witnesses are not reliable. As such bar of Section 18 does not apply. Hence, irrespective of fact that one crime is registered against Appellant in Appeal No. 1005 of 2025, he deserves bail, considering the fact that this is not a case for custodial interrogation.

9. In view of the above, both the Appeals stand allowed. Hence, following order:-

ORDER

(i) In the event of arrest of Appellants in connection with Crime Nos.I-131 of 2025 and 132 of 2025 registered with Nashik Taluka Police Station, they be enlarged on bail on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty five

thousand) with one surety in like amount.

(ii) Appellants are directed to co-operate in the investigation, if not yet concluded.

(iii) Appellants not to interfere in evidence in any manner whatsoever.

(R. M. JOSHI, J.)

The order is corrected pursuant to the Order dated 10th February, 2026.