

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1044 OF 2025

Manoj Anil Kawade and ors. ...Appellants
Versus
State of Maharashtra and anr. ...Respondents

Mr. Pratik Shevale, for the Appellants.
Mr. Ashok S. Gawai, APP, for the State.
Mr. Siddhant H. Deshpande, for the Respondent No.2.

CORAM: R. M. JOSHI, J.

DATED: 17th FEBRUARY, 2026.

PC:-

1. Learned counsel for the Appellants submits that the Special Court has rejected the application for pre-arrest bail without recording any findings as to whether *prima facie* offence is made out under the provisions of the Atrocities Act or not.
2. Since the Special Court has not dealt with the merit of the case, this Court refrains itself from recording any findings in this appeal for the first time. If such findings are recorded, there would be denial of an opportunity of appeal under Section 14A to the aggrieved party.
3. As as result of above discussion, following order is passed:-

ORDER

- a) The Appeal stands allowed.
 - b) The impugned order is set aside.
 - c) Criminal Bail Application No. 6436 of 2025 is relegated back to the Special Court for decision afresh.
 - d) The Special Court is directed to record findings with regard to the prima facie case being made out or not attracting the provisions of the Atrocities Act and then to decide the application.
 - e) It is clarified that the order impugned has been set aside not on merit nor this Court has expressed any opinion / view with regard to the merits of the case.
 - f) The Special Court is directed to decide the Application within a period of four weeks from today.
 - h) Interim protection granted to the Appellants for a period of six weeks from today.
4. The Appeal stands disposed of accordingly.

(R. M. JOSHI, J.)