

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1073 OF 2025

Sadanand Balu Tare and ors. ...Appellant
Versus
The State of Maharashtra and anr. ...Respondents

Ms. Priyanka Kolekar h/f Mr. Dinesh Kolekar, Senior Advocate
through V.C., for the Appellant.
Mr. Aamir Shaikh, for the Respondent No.2.
Mr. S. S. Ghag, APP, for the State.
Mr. S.V. Kadam, ASI for the Bhiwandi Taluka Police Station is
present.

CORAM: R. M. JOSHI, J.

DATED: 9th FEBRUARY, 2026.

PC:-

1. This appeal takes exception to the order dated 7th October, 2025 passed in Criminal Anticipatory Bail Application No.854 of 2025, whereby the application for the pre-arrest bail came to be rejected.

2. Learned counsel for the Appellant has drawn attention of this Court to the FIR which according to him indicates that there is no allegations against the present Appellant which could attract the provisions of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("the Act"). It is his contention

that even accepting the statements under the FIR as it is to be true, no offence is made out against them.

3. Learned counsel for the Respondent No.2 as well as learned APP opposed the appeal.

4. It is the contention of the Respondent No.2 that admittedly there are disputes over the land between the parties. In that view, the Appellant alongwith the co-accused is a potential threat to the Informant.

5. There cannot be any dispute with regard to the position of law that unless *prima facie* offence is made out under the Atrocities Act, embargo created by Section 18 of the Atrocities Act has no application.

6. Even if statements of the Informant as recorded in the FIR are accepted to be correct, it only indicates that there are disputes between the parties over the land and the Co-accused abused the Informant over his caste. There are instances of the Appellant of committing any offence under the Act. As such, section 18 of the Act, embargo has no application to the present case.

7. In view of the above, the Appeal stands allowed in terms of interim relief.

(R. M. JOSHI, J.)