

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1273 OF 2025

Sunil Budhaji Patil

...Appellant

Versus

State Of Maharashtra and Anr.

...Respondents

Mr. Arun Rajput i/b. Mr. Bilal Motorwala, for Appellant.

Mr. S.S. Ghag, APP for Respondent No.1 – State.

Ms. Komal Sinha for Victim.

CORAM : R.M. JOSHI, J.

DATE : 20th FEBRUARY, 2026

P.C. :

1. This appeal is filed for challenging an order dated 8th December 2025 passed in Anticipatory Bail Application No. 1184 of 2025, whereby the Application for pre-arrest bail in connection with Crime No. 439 of 2025 under the provisions of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as well as Bharatiya Nyaya Sanhita, 2023 came to be rejected.

2. It is the case of the victim that on 14th October 2025, an incident occurred in which the victim was assaulted by the Appellant and also was abused and insulted over the caste at a public place.

3. The learned Counsel for the Appellant submits that in respect of the incident allegedly occurred on 14th October 2025, First Information Report came to be lodged on 14th November 2025 without explaining the delay for the same.

4. He further argued that in fact present Report came to be lodged by way of false allegation as the dog with the informant had bitten to sister-in-law of the Appellant. It is his submission that the photographs on record so also Medical Certificate clearly indicates the same. It is his submission that having regard to this fact, this is fit case for confirmation of interim relief granted by this Court.

5. Learned APP and Counsel for Respondent no. 2 opposed the appeal, and reference is made by the learned APP to the statement recorded by an independent witness who has seen the occurrence of the incident and has made statement in consonance with the statement of the informant in the First Information Report. The learned Counsel for Respondent no. 2 submits that once the occurrence is made out under the provisions of Atrocities Act, Section 18 will come into play and this Court has no jurisdiction to pass any order granting pre-arrest bail.

6. Even though, the First Information Report, in respect of incident occurred on 14th October 2025, had been lodged on 14th November 2025, there is a *prima facie* evidence on record in the form of Injury Certificate dated 15th October 2025 indicating that injuries were

caused on the person of the victim. This, therefore, supports her case that on 14th October 2025, some incident had definitely occurred. Apart from this, it is pertinent to note that during the investigation, statement of an independent witness came to be recorded, which supports the case of the victim about she was abused and insulted over her caste. The said statement indicates that the incident had occurred in presence of an independent witness. Thus, the offence is committed in a public view and, as such, Section 18 has application to the present case. This Court, therefore, has no jurisdiction to grant any pre-arrest bail.

7. Hence, appeal stand dismissed.

(R.M. JOSHI, J.)