



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL NO. 415 OF 2025

RAJ KHAN ANSAR KHAN AND ORS.

VS

STATE OF MAHARASHTRA AND ANR.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Parth L. Joshi, Advocate h/f. Shri M.N. Ali, Advocate for appellants.

Shri B.M.Lonare, APP for respondent/State.

Ms. Preeti S. Gwalani, Advocate (appointed) for respondent no. 2.

CORAM : NEERAJ P. DHOTE, J.

DATE : 18/03/2026

Heard the learned counsel for the Appellants, the learned APP for the State and the learned counsel for the Respondent no. 2. With their assistance, perused the papers.

2. Since the Appellants were apprehending the arrest at the hands of the Mahagaon Police Station in Crime No. 0406/2025 registered for the offences punishable under Sections 118(1), 189(2), 190, 191(2), 191(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'B.N.S.') and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SC & ST Act'), they had filed the Application for anticipatory bail, which came to be rejected by the impugned order dated 12/08/2025 passed by the learned Additional Sessions Judge, Pusad.

3. The case of the prosecution is that, the Respondent

no. 2 who belongs to Scheduled Caste, was abused on his caste and assaulted by the Appellants and the FIR named accused on 19/07/2025. The caste abused was made by the co-accused Ayan Khan. The Respondent no. 2 was assaulted by the iron rod. A copy of order dated 10/12/2025 passed by this Court in Criminal Appeal Nos. 443/2025 and 468/2025 show that, the co-accused Ayan Khan and Ismail Khan are protected by the anticipatory bail order. There is nothing to show that, the role attributed to the Appellants is grave than the role attributed to the said Appellants who are protected by this Court. What the FIR shows is that, the role of abuse on the caste of the Respondent no. 2 was attributed to the co-accused Ayan Khan who is protected by this Court. The Appellants are protected by this Court by interim order dated 21/08/2025. It is nobody's case that, the Appellants breached any of the conditions of the said interim order. In this view of the matter, the Appellants are entitled for anticipatory bail on the ground of parity. Hence, the following order:-

ORDER

- i) The Appeal is **allowed**.
- ii) The impugned order dated 12/08/2025 passed by the learned Additional Sessions Judge, Pusad is hereby quashed and set aside.
- iii) The interim protection granted by this Court vide order dated 21/08/2025 is confirmed.
- iv) For this Appeal, the fees of the learned Advocate

appointed to represent the Respondent no. 2 is quantified at Rs. 7,500/- [Rupees Seven Thousand Five Hundred Only], which shall be paid by the High Court Legal Services Sub-Committee, Nagpur.

v) Criminal Appeal stands **disposed of** accordingly.

(NEERAJ P. DHOTE, J.)

B.T.K.