



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

CRIMINAL APPEAL NO.489 OF 2025

NAMDEO SITARAM WAGH 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 S.D.Chande, Advocate for appellants.
Shri U.R.Phasate, AGP for respondent/State.
Shri M.V.Rai, Advocate for respondent no. 2.

CORAM : NEERAJ P. DHOTE, J.

DATE : 04/02/2026

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

2. **Admit.**

3. The Appellants are the accused in Crime No. 0221/2025 registered with the Ansing Police Station, District Washim for the offences punishable under Sections 115(2), 351(3), 352 of Bhartiya Nyaya Sanhita, 2023 and for the offences punishable under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "SC & ST Act."). The aforesaid crime is registered on the report lodged by Respondent no. 2.

4. It is the prosecution's case that, there is statue of Dr. Babasaheb Ambedkar next to the house of Appellant no. 1. Respondent no. 2 cleans the said place every day.

There is a tree in the compound of Appellant no. 1's house. The leaves of the said tree fall on the said statue. Respondent no. 2 asked the Appellant no. 1 to cut the said tree, however, in vain. On 06/09/2025, in the morning, when the Respondent no. 2 was going to cut the said tree, the Appellant no. 1 assaulted him and abused on his caste. After some time, the Appellant nos. 2, 3 and 4 came there and also abused the Respondent no. 2 on his caste and assaulted with fists and slaps.

5. After hearing learned counsel for both the sides for some time, the learned counsel for the Appellants submits that, he will not press the Appeal to the extent of Appellant no. 1 - Namdeo Sitaram Wagh. He submits that, as regard the Appellant nos. 2, 3 and 4 are concerned, the allegations against them are vague in nature and the provisions of the SC & ST Act are not made out. He submits that, the investigation is almost over and there is no need of the Custodial interrogation and the Appeal be allowed.

6. The learned APP for the State and learned counsel for Respondent no. 2 opposed this Appeal. They submit that, the F.I.R. *prima facie* makes out the case against the Appellants and in view of the Bar under Section 18 of the SC & ST Act, the learned Sessions Court has rightly rejected the Application and no interference was called for in the Appeal.

7. Perused the F.I.R. A specific allegation of abuse on the caste of Respondent no. 2 is attributed to Appellant no. 1. As regards the Appellant nos. 2, 3 and 4 are

concerned, there are vague and omnibus allegations against them. *Prima facie*, the same do not attract the provisions of the SC & ST Act. Considering the nature of allegations against the Appellant nos. 2, 3 and 4, the custodial interrogation does not appear to be must. Investigation is almost over and the investigating machinery is in the process of submitting the charge-sheet. In this view of the matter, following order is passed:-

ORDER

I) The Appeal stands **dismissed** as withdrawn in respect of Appellant no. 1.

II) The impugned order dated 15/09/2025 passed in Cri.B.A.No. 291/2025 is hereby quashed and set aside to the extent of Appellant nos. 2, 3 and 4.

III) In the event of arrest of the Appellant nos. 2, 3 and 4 in Crime no. 0221/2025, dated 06/09/2025 registered with the Ansing Police Station, District Washim for the offences punishable under Sections 115(2), 351(3), 352 of BNS, 2023 and for the offences punishable under Sections 3(1)(r) and 3(1)(s) of the SC & ST Act, they be released on bail on furnishing PR. bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] each with one surety in the like amount.

IV) Bail before the Trial Court.

V) The Appellant nos. 2, 3 and 4 shall not tamper with the prosecution evidence in any manner.

VI) The Appellant nos. 2, 3 and 4 shall attend the concerned Police Station as and when called.

VII) Accordingly, the Appeal stands **disposed of**.

(NEERAJ P. DHOTE, J.)

B.T.K.