



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

CRIMINAL APPEAL NO. 565 OF 2025

Vijay s/o Vitthalrao Bonde,
Aged : 52 yrs, Occu : Business,
R/o. Dabki Road, Akola, Tq. Dist.
Akola

... Appellant

.. Versus ..

1) State of Maharashtra,
Through P.S.O. P.S. Tamgaon, Dist. Buldhana

2) Pushpa w/o. Madhukar Batkar,
Age : 50 yrs. Occu : Labour,
R/o. Monimabad, Tah-Sangrampur,
Buldhana, Dist. Buldhana

...Respondents

Shri M.V.Rai, Advocate for Appellant.
Shri B.M.Lonare, APP for Respondent/State.
Ms. Ishika V. Jaiswal, Advocate for Respondent no. 2.

CORAM : NEERAJ P. DHOTE, J.

DATE : 09/03/2026

ORAL JUDGMENT

This is the Criminal Appeal under Section 14-A of
the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (for short, 'SC & ST Act') as the pre-arrest

bail of the Appellant came to be rejected by the learned Additional Sessions Judge, Khamgaon, District Buldhana, by order dated 12/11/2025 in the Criminal Bail Application No. 521/2025 in Crime No. 352/2025, registered with Tamgaon Police Station for the offences punishable under Sections 74, 75, 76, 115(2), 296, 324(4), 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') and Sections 3(2)(va), 3(1)(w) (i), 3(1)(w)(ii) of the SC & ST Act.

2. The aforesaid Crime is registered on the report lodged by Respondent no. 2. It is the case of the prosecution that, on 17/05/2025, when the victim along with her husband and son was working in the agricultural field bearing Gat no. 110 at village Mominabad, Tq. Sangrampur, District Buldhana, the Appellant came there and outraged her modesty, and when the informant's husband intervened, the Appellant assaulted him. The Appellant abused the victim on her caste. The victim belongs to Scheduled Caste. The Appellant destroyed the crops standing on the agricultural field and left by giving threat.

3. It is submitted by the learned counsel for the Appellant that, there was five (5) months' delay in lodging the

report. The victim and her family members had encroached upon the said agricultural land i.e. Gat no. 110, and the dispute was pending between them and the original owner of the said land before the Revenue Authority. When the Appellant along with the original owner had gone to the said agricultural field to have a look, the original owner was assaulted and abused by the victim, her husband and her son. The report for that incident dated 16/04/2025 was lodged with the same Police Station by the original owner. He submits that, the allegations made by the Respondent no. 2 - victim in the FIR do not constitute the offence under the provisions of SC & ST Act. In support of his contention that, in the absence of members of the public, the offence under the provisions of SC & ST Act is not made out, he relied on the decisions in *Jagdish Sajjankumar Banka V/s. The State of Maharashtra & Anr. {2023 All MR (Cri) 2911}*, *Ajinkya s/o. Chandrashekhar Ghogare V/s. State of Maharashtra and Anr. {2023 All MR (Cri) 2868}* and *Kajjum s/o Kareem Quereshi V/s. State of Maharashtra and anr. {Judgment of this Court in Criminal Appeal No. 629/2024, decided on 22/11/2024}*. Hence, he submits that, the Appeal be allowed.

4. The Appeal is opposed by the learned APP for the State and learned counsel for the victim. They submit that, the offence was committed in the agricultural field, which is a public place, therefore, the bar under Section 18 of the SC & ST Act would come into play and the Appeal be rejected.

5. The papers on record go to show that, the original owner of the agricultural land bearing Gat no. 110 had lodged the report bearing FIR No. 0148/2025, dated 16/04/2025 with the Tamgaon Police Station against the informant and her family members for the offences punishable under Sections 118(1), 115(2), 352, 351(2), 351(3) and 3(5) of BNS. The FIR lodged by the Respondent no. 2 - informant goes to show that, the incident was dated 17/05/2025 and the report was, undisputedly lodged on 28/10/2025. There is delay of five (5) months in lodging the report. The report indicates that, except the husband and son of the informant, no other person was present on the spot of incident. The possibility of false implication cannot be ruled out. This Court by order dated 20/11/2025 had protected the Appellant on certain terms and conditions. It is nobody's case that, the Appellant has breached any of the conditions of the

interim order. In this view of the matter, the said interim protection is confirmed. The Appeal stands **allowed** and **disposed of**.

[NEERAJ P. DHOTE, J.]

B.T.K.