



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

CRIMINAL APPEAL NO.579 OF 2025

BALABHAU BALASAHEB RAMDAS ATKARE
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 A.R.Deshpande, Advocate for appellant.
Shri B.M.Lonare, APP for respondent/State.
Ms. Parita N. Lakhani, Advocate for respondent no. 2 (appointed).

CORAM : NEERAJ P.DHOTE, J.
DATE : 12/02/2026

This is an Appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SC & ST Act'), as the Anticipatory Bail Application filed by the Appellant came to be rejected vide order dated 21/11/2025 passed by the learned Special Judge, Akola below Exh. 1 in Criminal Application (ABA) No. 815/2025.

2. The Appellant is the accused in Crime No. 299/2025, registered with the MIDC Police Station, Akola for the offences punishable under Sections 352, 351(2)(4) of Bhartiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC & ST Act.

3. The prosecution's case as referred in the impugned order is reproduced below:-

"Informant lodged FIR on 23.10.2025. Informant and applicant are resident of village Kumbhari, Tq. Dist. Akola. They are neighbours. They know very well to each

other. Applicant is husband of Sarpanch of the village whereas the informant run a business of RO water plant under the name and style "Mauli Aqua". He belongs to Matang community which falls under Scheduled Caste. Applicant, being husband of Sarpanch and a leader of a political party, used to frequently pressurize the informant and his family.

On 20.10.2025, around 8.35 a.m., applicant abused the informant on his caste by making a phone call. Informant recorded said conversation in his cell phone. On the same day around 10.00 a.m., applicant came in front of his house on the road and shouted and abused the informant referring his caste. He also threatened the informant to leave the village. He threatened him and his family to face dire consequences."

4. It is submitted by the learned counsel for the Appellant that, on going through the FIR, the provisions of SC & ST Act are not attracted. He further submits that, the FIR does not show the abuse on the caste of the informant. He further submits that, no *prima facie* case is made out and refers the bar under Section 18 of the SC & ST Act would not be attracted. He placed reliance on the Judgments in ***Shajan Skaria V/s. State of Kerala and anr. {2024 SCC OnLine 2249}***, ***Prabhakar Tewari V/s. State of Uttar Pradesh and anr. {(2020) 11 SCC 648}*** and the orders passed by this Court in other matters, in support of his contention.

5. It is submitted by the learned APP and learned

Advocate for Respondent no. 2 that, the FIR clearly goes to show that, the provisions of the SC & ST Act, under which the crime is registered, are made out. The FIR shows that, the abuses on the caste of the informant were uttered by the Appellant in the public place. He submitted that, the learned Special Judge rightly considered the matter and passed the impugned order of rejection. Hence, the Appeal be rejected.

6. The principles laid down in the judgments relied upon by the learned Advocate for the Appellant are well settled. What is required to be seen is whether *prima facie* case exists to attract the penal Section of SC & ST Act.

7. The FIR speaks that, on 20/10/2025, the Appellant came in front of the house of the Respondent no. 2 and uttered the words “मांगट्या घरा बाहेर निघ, जास्त माजला का?”. The said abusive utterances are on the caste of the informant. The FIR shows that, the informant was asked to leave the village, failing which, he will have to face dire consequences. The incident took place in front of the house of the informant, which was a public place and in the public view. *Prima facie* case attracting the penal sections of the SC & ST Act is made out. I do not find any substance in the contention of the learned counsel for the Appellant that, there is no *prima facie* case against the Appellant for the offences punishable under the provisions of SC & ST Act. The order passed by the learned Special Court shows that, on considering the FIR, it is observed that, *the FIR*

specifically shows that, the Appellant abused the Respondent no. 2 on a specific caste, on the road in front of his house, which was a public place. In this view of the matter, the following order is passed:-

ORDER

- I) The Appeal stands **dismissed**.
- II) The learned counsel for the Appellant submitted that, the Appellant would like to challenge this order. Hence, the interim protection granted on 10/12/2025, which was further continued, is extended for a period of two weeks.
- III) The fees of the learned Advocate Ms. Parita N. Lakhani appointed for the Respondent no. 2 is quantified at Rs. 5,000/- [Rupees Five Thousand Only], which shall be paid by the High Court Legal Services Sub-Committee, Nagpur.

(NEERAJ P. DHOTE, J.)

B.T.K.