



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO.634/2025

(Gajanan Uttamrao Bhagat and others Vs. The State of Maharashtra, through Police Station Officer, Police Station Khadan, Akola, Tq. & Distt. Akola and another)

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

Court's or Judge's orders

Mr. A.R. Prasad, Advocate for the Appellants.
Mr. Ujjawal R. Phasate, A.P.P. for the Respondent No.1/State.
Mr. C.S. Dongare, Advocate h/f. Mr. A.S. Deshpande, Advocate for the Respondent No.2.

CORAM: NEERAJ P. DHOTE, J.
DATED: 6.4.2026.

This is an Appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SCST Act") since the Anticipatory Bail Application of the Appellants came to be rejected by the impugned order dated 16.12.2025 passed by the learned Sessions Court, Akola in Criminal Application (A.B.A) No.888/2025. The said Bail Application arose out of Crime No.982/2025 registered with the Police Station Khadan, Akola, District Akola for the offence punishable under Sections 3(5), 352, 118(1), 115(2) of the Bhartiya Nyaya Sanhita, 2023 (for short B.N.S.) and Section 3(2)(va), 3(1)(s), 3(1)(r) of the SCST Act.

2. According to the prosecution, the Informant who belonged to the *Khatik* Caste was working as the Headmaster with Sanskar English Convent School, Akola. On 11.10.2025 around 09:00 a.m. the Informant directed the Appellants, who were working as the Peon

in the Institution, to clean the premises, the Informant was assaulted by slaps, fists and *chappals* and also abused on caste.

3. Heard the learned Advocate for the Appellants, the learned A.P.P. for the State and the learned Advocate for the Respondent No.2. Perused the papers on record.

4. The injuries as seen from the papers made available by the learned A.P.P. are in the nature of abrasions and blunt trauma. As regards the offence punishable under the provisions of SCST Act, omnibus statement is made against all the accused persons that they abused on caste. Thus, the over-exaggeration in the F.I.R. cannot be ruled out. Thus, *prima facie*, case under SCST Act is not seen. Considering the injuries suffered by the Informant, *prima facie*, offence punishable under Section 118(1) of the B.N.S. is not seen. In this view of the matter, investigation is possible without custodial interrogation. Hence, the following order:-

ORDER

- i) The impugned judgment and order dated 16.12.2025 passed by the learned Sessions Court, Akola in Criminal Application (A.B.A) No.888/2025 is quashed and set aside.
- ii) In the event of arrest of the Appellants in Crime No.982/2025 registered with the Police Station Khadan, Akola, District Akola for the offence punishable under Sections 3(5), 352, 118(1), 115(2) of the B.N.S. and Section 3(2)(va), 3(1)(s), 3(1)(r) of the SCST Act, they be released on bail on executing P.R. Bond of Rs.15,000/- each.
- iii) They shall attend the concerned Police Station as and when called by the Investigating Officer.

- iv) The Appellants shall not tamper with the prosecution evidence in any manner.
- v) The Appeal is allowed in the above terms and disposed of.
- vi) Pending Applications, if any, also stand disposed of.

(NEERAJ P DHOTE, J.)