



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

CRIMINAL APPEAL NO.58/2026

(Vitthal S/o Ramesh Ghule and another Vs. State of Maharashtra, through its Police Station Officer, Police Station, Jalgaon Jamod, Tah. Jalgaon Jamod, District Buldhana 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. J.B. Gandhi, Advocate for the Appellants.
Mr. Ujjawal R. Phasate, A.P.P for the Respondent No.1/State.
Mr. Alok Daga, Advocate for the Respondent No.2.

CORAM: NEERAJ P. DHOTE, J.

DATED: 6.3.2026.

This is an Appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SCST Act") as the Application No.30/2026 preferred by the Appellants for pre-arrest bail is rejected by the learned special Judge, Khamgaon by the impugned order dated 03.02.2026. The Crime No.29/2026 is registered with Jalgaon Jamod Police Station on the Report lodged by the Respondent No.2 for the offence punishable under Sections 351(3), 352 read with 3(5) of the Bhartiya Nyaya Sanhita (for short "BNS") and for the offence punishable under Sections 3(1)(r)(s) and 3(2)(va) of the SCST Act.

2. It is the case of the prosecution that, the Respondent No.2 was abused on her caste by the Appellants on 15.01.2026 in front of the Panchayat Samiti Office. The Respondent No.2 had applied for the *Gharkul* and the same was sanctioned. However, the first instalment was not released and, therefore, she had given the representation.

The Respondent No.2 was called by the Appellants in the office of Panchayat Samiti, where the incident took place.

3. Heard the learned Advocate for the Appellants, the learned A.PP for the State and the learned Advocate for the Respondent No.2. With their assistance perused the papers.

4. The Appellant No.2 is the Sarpanch of the village where the Respondent No.2 is residing. The Appellant No.1 is the husband of Appellant No.2. The Respondent No.2 in the F.I.R. stated that, she was abused on her caste. The relevant para from the F.I.R. is reproduced below.

“दिनांक 15/01/2026 रोजी चे सकाळी 09/00 वा चे सुमारास ग्रामपंचायचे शिपाई राजेन्द्र व्यवहारे हे माझे घरी आले व मला म्हणाले की तुम्हाला सरपंच रेश्मा घुले यांनी ग्रामपंचायत येथे बोलावले परंतु मी ग्राम पंचायत येथे गेली नाही त्यामुळे अं.10/00 वा सुमारास मला सरपंच रेश्मा घुले यांचा फोन आला व त्यांनी मला सांगितले की तुम्ही ग्रामपंचायत येथे या त्यावर मी त्यांना सांगितले की तुम्ही मला पंचायत समीती जळगाव जा येथे भेटा त्यानंतर मी दुपारी 01/00 वा सुमारास मी पंचायत समीती जळगाव जामोद चे बाजूला असलेले झेरोक्स दुकान जवळ बसलेली असता तेथे आमचे गावातील सरपंच रेश्मा घुले व तीचा पती विठ्ठल घुले हे आले व मला रेश्मा घुले ही म्हणाली की तु माझे पतीचे नाव बदनाम का करते तुझ्या एक होपकाडीत देवु का असे म्हणाली तसेच विठ्ठल घुले हा मला म्हणाला की हे महार लय माजले आहेत अशी शिवीगाळ करून धमकी दिली तसेच सरपंच रेश्मा घुले हि जाता जाता मला म्हणाली की तुम्ही महार लय माजले आहे असे म्हणुन निघुन गेली त्यावेळी तेथे श्रीराम भिडे हे हजर होते. व त्यांनी घडलेली घटना पाहीली आहे. तरी सरपंच रेश्मा घुले व विठ्ठल रमेश घुले रा. वडगाव पाटण जात-मराठा याचेवर कार्यवाही व्हावी करिता रिपोर्ट देत आहे.”

5. The learned Advocate for the Appellants submitted that, mere reference of the caste will not attract the offence under the provisions of the SCST Act. In support of his arguments, he relied on the judgments of this Court. As per the provisions of the SCST Act under which the aforesaid crime is registered the abuses should be within public view with the intention to humiliate a member of the

Scheduled Caste or Scheduled Tribe. The case diary made available by the learned A.P.P shows that, the statement of the eye-witness was recorded after the F.I.R. The perusal of the same shows that, it does not support the Respondent No.2's accusations in relation to her caste. The papers on record indicate that, the Appellants opposed the regularization of the encroachment made by the Respondent No.2 on the land. The papers on record further goes to show that, the Appellant No.2 had lodged the Report against the Respondent No.2 on the very same day for the offence punishable under Sections 352 and 352(2) of the BNS. Considering all these aspects of the matter, the possibility of false implication with the allegations on the caste abuses cannot be ruled out. This being so, the bar under Section 18 of the SCST will not come in way. Considering the nature of offence, the investigation is possible without custodial interrogation of the Appellants. Hence, the following order.

ORDER

- i) The Appeal is allowed.
- ii) The impugned order dated 03.02.2026 is quashed and set aside.
- iii) In the event of arrest of the Appellants in Crime No.29/2026 registered with Jalgaon Jamod Police Station for the offence punishable under Sections 351(3), 352 read with 3(5) of the BNS and for the offence punishable under Section 3(1)(r)(s) and 3(2)(va) of the SCST Act, they be released on bail on executing P.R. Bond of Rs.25,000/- each with one surety in the like amount.

- iv) The Appellants shall co-operate with the concerned Police Station and shall not tamper with the prosecution's evidence in any manner.
- v) The Appeal is disposed of in the above terms.

(NEERAJ P DHOTE, J.)