



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

CRIMINAL APPEAL NO. 77 OF 2026

PUSHPAK @ AYUSH S/O. SANTOSH YELE
VS
THE STATE OF MAHARASHTRA AND ANOTHER

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

Court's or Judge's order

Shri U.K.Bisen, Advocate for appellant.
Shri B.M.Lonare, APP for respondent/State.

CORAM : NEERAJ P. DHOTE, J.
DATE : 18/02/2026

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 bearing Misc.Cri.Bail Appln No. 47/2026, is rejected by the learned Additional Sessions Judge, Gondia, by order dated 11/02/2026.

2. Heard learned counsel for the Appellant and learned APP for the State. Perused the papers on record.

3. The prosecution's case as seen from the impugned order is as under. Para 2 of the impugned order is reproduced below:

"On 02-02-2026 at about 5.00 to 5.20 pm informant had been to shop of co-accused Raju Khobragade for settlement in relation to four-wheeler belonging to his friend and old money dispute. At that time accused persons including applicant formed unlawfully assembly

and accused No.1 who belongs to Kalar caste on the count of said dispute abused informant belonging to Mahar caste which falls under Scheduled Caste category by uttering filthy words and caste-based abuses. Accused No.1 Raju Khobragade assaulted on the head and hand of informant by means of iron rod and caused grievous injuries while accused No.2 inflicted knife to right hand of informant. Applicant and other co-accused slapped, gave fist blows and kicked informant. Thus, accused persons including applicant attempted to kill informant. On the basis of report lodged by informant and his medical examination report offence has been registered against the applicant and co-accused for offence referred above with police station Goregaon.”

4. Perusal of the Report/FIR shows that, the role of abuse on the caste of the informant is attributed to the co-accused Raj Bhoju Khobragade, and the role attributed to the Applicant is that, he assaulted the informant with the other co-accused. *Prima facie*, the offence under Sections 3(1)(r), 3(1)(s), 3(2)(v) and 3(2)(va) of the ST & ST Act are not attributed against the Appellant. The omnibus statement of assault by the Appellant and the other co-accused is made in the FIR. In this view of the matter, in my view, *prima facie* case for interim protection is made out. Hence, the following order:-

ORDER

i) Issue notice to the Respondents, returnable after two weeks.

ii) Shri B.M.Lonare, learned APP waives service of notice for Respondent No. 1/State.

iii) Victim be served through concerned Police Station.

Corrected as per
Order dated
20/02/2026.

iv) Till next date, in the event of arrest of the Appellant in Crime No. 0091/2026, dated 05/02/2026, registered with Police Station Goregaon, District Gondia, he be released on bail on executing P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one surety in the like amount.

v) Bail before the Trial Court.

vi) The Appellant shall not tamper with the prosecution witnesses in any manner and shall co-operate with the investigating machinery.

vii) Hamdast is granted.

(NEERAJ P. DHOTE, J.)

B.T.K.