



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

CRIMINAL APPEAL NO.130/2026
KAMESH S/O BHOLARAM PARIHAR VS THE STATE OF
MAHARASHTRA AND ANOTHER
AND
CRIMINAL APPEAL NO.77/2026
PUSHPAK @ AYUSH S/O SANTOSH VS THE STATE OF
MAHARASHTRA AND ANOTHER

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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CRI. APPEAL NO.130/2026
Mr.N.R.Tekade, Advocate for appellant.
Mr. U.R.Phasate, A.P.P.for Respondent no.1/State.
Ms. Payal Kaware, Advocate (appointed) for respondent no.2.

CRI. APPEAL NO.77/2026
Mr. U.K.Bisen, Advocate for appellant.
Mr. U.R.Phasate, A.P.P.for Respondent no.1/State.

CORAM: Y. G. KHOBRAGADE, J.

DATED : 30th APRIL, 2026

1. Heard the learned counsel appearing for the respective parties.

2. In both these appeals, the appellants/accused in Crime No.91/2026 registered with Police Station, Goregaon, District Gondia (Rural) on 5.2.2026 for offence punishable under Sections 3(1) (r), 3(1)(s) 3(2) (5), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "Act of 1989") and Under Sections 109(1), 118(1), 189(1), 189(4), 191(3) and 296 of the Bhartiya Nyaya Sanhita, 2023 (BNS) in Criminal Bail Application Nos. 49/2026 and 57/2026 takes exception

to the orders dated 11.2.2026 and 18.2.2026 respectively, whereby the learned Special Court, Gondia declined to enlarge the appellants/accused on anticipatory bail in the said crime.

3. Having regard to the submissions canvassed by both sides, I have gone through the record.

4. As per the contents of FIR on 2.2.2026 at about 5.00 to 5.20 p.m. the informant had visited the shop of co-accused Raju Khobragade for settlement of dispute of four-wheeler. It appears that the accused Raju Bhoju Khobragade allegedly abused the informant on his caste in a public view. However, there are no allegations of caste-based abuses or slurs having been uttered by the present appellants against the informant. Further, it appears that the main accused assaulted the informant- respondent no.2. with iron rod on his head and left shoulder. The another accused Nitesh Patle assaulted with knife on his right hand and both these appellants allegedly assaulted to him.

5. Therefore, considering the provisions of Section 3 of the Act of 1989 coupled with the contents of the FIR, I do not find about creating bar under Section 18 of the Act of 1989 to enlarge the appellants/accused on anticipatory bail under Section 439 (Section 482 of the BNS, 2023) as per the law laid down in **Kiran Vrs. Rajkumar Jivraj Jain and another, (2025 SCC On-Line SC 1886)**. Further, no weapon is to be recovered at the instance of present appellants and there is no necessity of

interrogation of the accused persons. Therefore, I am of the view that the present appellants/accused are entitled to be released on anticipatory bail in Crime No.91/2026 registered with Police Station, Goregaon, District Gondia (Rural).

6. On 14/3/2026 and 18.2.2026, this Court has already passed orders in Criminal Appeal Nos.130/2026 and 77/2026 respectively, granting ad-interim anticipatory bail. Therefore, it would be just and proper to confirm and continue the said interim orders on the same terms and conditions, till conclusion of the trial.

7. Accordingly, both the appeals are allowed and disposed of accordingly.

8. Fees of the appointed Advocate is to be paid by the High Court Legal Services Authority, Nagpur, as per Rules.

(Y.G.KHOBRADE, J.)