



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

CRIMINAL APPEAL NO. 125 OF 2026

APPELLANT :

Pravin Santoshrao Kharode,
Aged about 40 years, Occ : Labourer,
R/o. Ganpati Nagar, Wadi,
Tq. Khamgaon, Dist. Buldhana.

V E R S U S

RESPONDENTS :

1. State of Maharashtra,
Through Police Station Officer,
Khamgaon City, Dist. Buldhana.
2. Gajanan s/o Tulshiram Waghode,
Age about 59 years, Occ : Retired,
R/o Tayade Colony Khamgaon,
Tq : Khamgaon, District : Buldhana.
Mob No.7219783295.

Shri S. V. Sirpurkar, Advocate for appellant.

Shri U. R. Phasate, APP for respondent No.1.

Shri S. D. Tembhekar, Advocate for respondent No.2.

CORAM: Y. G. KHOBRAGADE, J.

DATE : 23/04/2026.

ORAL JUDGMENT :

1. Heard. **Admit** and with consent of both the sides, it is heard finally.

2. Heard Shri S. V. Sirpurkar, learned counsel appearing for the appellant, Shri U. R. Phasate, learned APP for the respondent No.1 - prosecution and Shri S. D. Tembhekar, learned counsel appearing for the respondent No.2 at length.

3. By the present appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "SCST Act"), the appellant / accused takes exception to the order dated 07/03/2026 passed in Anticipatory Bail Application No.76/2026 by the learned Special Judge, Khamgaon, Dist. Buldhana and thereby, declined to release the appellant / accused on anticipatory bail in connection with Crime No.118/2026 registered with Khamgaon City Police Station on 19/02/2026 for the offences punishable under Sections 108, 3(5) of the Bhartiya Nyaya Nanhita, 2023 (BNS, 2023) and under Sections 3(2)(v) of the SCST Act.

4. Having regard to the submissions canvassed on behalf of both sides, I have gone through the record.

5. It is a matter of record that on 19/02/2026, informant / respondent No.2 lodged a report alleging that, one Bhaskar Laxman Tayade (deceased) is the elder brother of his wife and residing in the field. The said deceased Bhaskar Laxman Tayade was having 1 H. 62 R land at Mauje Jaipur (Lande), Tq. Khamgon. The present appellant / accused Vijay Tryambak Ingle and others namely; Someshwar Namdeo Damodhar, Pravin

Santoshrao Kharode @ Nikhil Deshmukh are well known to each other.

6. The informant further alleged that one Someshwar Namdeo Damodhar, the friend of his deceased brother-in-law was in need of money, therefore, with the help of accused Pravin Santosh Kharode @ Nikhil Deshmukh and Vijay Tryambak Ingle, the loan was obtained and in lieu of said loan, his brother-in-law deceased Bhaskar Laxman Tayade had executed registered agreement to sell on 21/03/2024 agreeing that the registered sale deed would be executed on or before 21/02/2025 for consideration of Rs.15,73,000/- and accepted the earnest amount of Rs.1,49,000/-.

7. It is further alleged that the said Someshwar Namdeo Damodhar had agreed to repay the amount within a period of 11 months, but no such amount was repaid. Thereafter, the deceased was called at the house of his brother Krantivir Tayade, wherein it was disclosed that the amount of Rs.15,00,000/- is outstanding against Someshwar Damodhar and they wanted to receive amount of Rs.20,00,000/- with interest and unless and until the said agreed amount is received, no agreement of sale deed would be

revoked and cancelled. At that time, the co-accused Pravin Kharode @ Nikhil Deshmukh told even they can rush to the Court. So also, Smt. Arti Bhaskar Tayade, wife of deceased Bhaskar Tayade has already filed a civil suit before the Court at Khamgaon. However, on 19/02/2026 at about 8.00 a.m., Bhaskar Tayade committed suicide by hanging at his home by leaving the suicidal note. On the basis of said oral report, crime No.118/2026 is registered. I have gone through the case diary.

8. During the course of investigation, the Investigating Officer recorded the statements of the witnesses under Section 161 of the Code of Criminal Procedure including the statements of the witnesses Smt.Arti Bhaskar Tayade, the widow of the deceased, Ku. Snehal Bhaskar Tayade, the daughter of deceased, Manish Bhaskar Tayade, the son of the deceased, then Panchfula Laxman Tayade, mother of the deceased, Siddharth Laxman Tayade - brother of the deceased.

9. On perusal of the statements of the witnesses, it appears that the deceased Bhaskar Tayade was under pressure, because he executed registered agreement to sell of his land and one Someshwar Namdeo Damodhar had obtained the loan by mortgaging field of the deceased. However, the agreement to sell

produced on record shows that the said agreement was registered on 21/03/2024 before the Sub-Registrar, Khamgaon, Dist. Buldhana in between Vijay Laxman Ingle, the present appellant and the deceased. In case in hand, the informant attributed role of the present appellant that he introduced the main accused with the deceased only. The said agreement appears photographs of the present appellant / accused as well as the deceased including two witnesses. The said agreement also does not reflect about the loan transaction between the present appellant and one Someshwar Namdeo Damodhar. The suicidal note, which has been seized by the Investigating Officer also does not reflect that the manner in which the deceased was tortured or harassed at the hands of the present appellant. The FIR does not disclose that merely because the deceased was belonging to Scheduled Caste, he was harassed and such incident was occurred within the public view.

10. Therefore, considering the provisions of Section 3 of the SCST Act coupled with the contents of the FIR, I do not find about creating bar under Section 18 of the SCST Act to enlarge the appellant / 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).

11. In view of the above discussion, I am inclined to allow the present appeal and proceed to pass the following order :-

ORDER

- i] Criminal Appeal No.125/2026 is hereby allowed.
- ii] The impugned order dated 07/03/2026 passed in Criminal Anticipatory Bail Application No.76/2026 by the learned Special Judge, Khamgaon, Dist. Buldhana is hereby quashed and set aside.
- iii] In the event of arrest, the appellant / accused Pravin Santoshrao Kharode be released on bail on execution of PR Bond of Rs.50,000/- with two solvent sureties in the like amount, in connection with Crime No.118/2026 registered with Khamgaon City Police Station on 19/02/2026 for the offences punishable under Sections 108, 3(5) of the Bhartiya Nyaya Nanhita, 2023 (BNS, 2023) and under Section 3(2)(v) of the SCST Act.
- iv] The appellant / accused shall not leave the jurisdiction of Police Station, Khamgaon, without prior permission of the Investigating Officer, till filing of the charge sheet.
- v] The appellant / accused shall not enter into Bhim Nagar, Wadi, Tq. Khamgaon, Dist. Buldhana, till filing of the charge sheet.
- vi] The appellant / accused shall appear before the concerned Investigating Officer on **27/04/2026**

between 10.00 a.m. to 1.00 p.m. and shall furnish the bail bond.

vii] Thereafter, the appellant shall appear the concerned Investigating Officer on every Monday between 10.00 a.m. to 1.00 p.m. till filing of the charge sheet.

viii] The appellant / accused shall not extend any threat or tamper with the prosecution witnesses in any manner and shall co-operate with the Investigating Officer.

ix] The criminal appeal is disposed of accordingly.

[JUDGE]

Choulwar