

MHST040011082025



IN THE COURT OF SPECIAL JUDGE

(PC. ACT), KARAD, AT : KARAD,

DIST. SATARA.

Cri. Bail Appln. No. 380/2025

Archana Balasaheb Pawar

Vs.

The State of Maharashtra

ORDER PASSED BELOW EXH. 1

(Passed on this 01st day of December, 2025)

1. By this application the applicant/accused is seeking enlargement of anticipatory bail in crime no. 1252 of 2025 registered with Karad city police station, Tal. Karad, Dist. Satara, for the offences punishable under Sections 74, 109, 115(2), 118(1), 126(2), 189(2), 190, 351(2) and 352 of Bharatiya Nyaya Sanhita, 2023 and Sec. 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii) 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in pursuant of Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023, by citing certain grounds.

2. The contentions of the applicant/accused are thus-

The applicant is innocent and she has been falsely implicated in this case, due to personal enmity and previous disputes between informant and co-accused Balasaheb Pawar. There

is no material to establish nexus between applicant/accused and allegations in the FIR, which are vague in nature and no specific role is attributed. The informant had earlier filed sexual assault case against the said Balasaheb at Hadapsar police station, Pune, which is subjudice before the Court. The FIR had been lodged to exert pressure by abusing the provisions of law. No prima facie evidence is against the applicant, to connect with the case. The informant had filed false complaint with mala-fide intention. Counter FIR C.R. No. 1257 of 2025 had been filed by applicant/accused against the informant and her husband. The ingredients of any of the offence invoked against her are not made out, therefore, her custodial interrogation is not required, since there is no recovery at the instance of applicant. The informant is habitual and she had filed multiple complaints against accused No.1 in various police stations. The applicant is having no criminal antecedents and ready to abide whatever conditions imposed by the Court, in case enlarged on anticipatory bail.

3. The State through learned APP has filed say vide Exh.06 and thereby opposed the contentions in the application, by giving background details, thus-

The investigation of present crime is under progress.

The accused Nos. 1 to 6 are belongs to higher caste group, while the informant is from Scheduled Caste and despite knowing the same, she had committed the crime against her. Applicant and her husband had abused the informant on her caste and humiliated her. In case, the applicant is enlarged on bail, she may influence & threaten the witnesses and may create hurdle in the investigation and destroy the evidence. Both the parties have filed complaints against each other and in case, the applicant is enlarged on bail, there will be communal disharmony in the village, creating law and order situation. The rod used in the crime is yet to be seized. Hence, prosecution has prayed for rejection of the application.

4. The original complainant Ashwini Vetral has countered the application by filing her say in Cri. Bail Appln No. 384/2025 vide Exh.12 and adopted the same in this case by filing pursis Exh.11 in all pending bail applications of accused Nos. 1 to 6. She had filed a criminal case against accused No.1 for the offence punishable under Section 376 of IPC on 28.02.2025, which is subjudice before Pune Court. In case, the applicant is enlarged on bail, there is threat to the life and limb of her. There is bar under Section 18 of the Atrocity Act to entertain the application. Hence she prayed for rejection of the application.

5. Heard both sides. Perused the record and case diary.

6. The learned counsel for applicant would submit thus-

The applicant/accused has been falsely involved in the matter on behalf of the informant. There is no prima facie evidence in the FIR to invoke the offence under BNS and under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. No such incident had taken place and to pressurize the accused, the informant had falsely implicated them after deliberation. FIR itself is not disclosing prima facie offence as to invocation of Atrocities Act, therefore, there is no prima facie sufficient material to attract said offences, consequently, the applicant/accused has made out a good case for grant of anticipatory bail, since section 18 and 18-A of the said Act will not be attracted. The applicant/accused is ready to co-operate in the investigation. The informant is habitual in filing false criminal cases against the accused No.1 at various police stations and in some of the cases she had withdrawn the allegations against the said accused. She is ready to abide whatever condition imposed by the court, in case enlarged on bail. In support of his submission, the learned counsel for accused has relied on following decisions-

i) **2025 ALL MR (CRI) 3468; Vaibhav S/O Shankarrao**

Pise Vs. State of Maharashtra & Anr., wherein it is held that, the relations between parties are purely of consensual in nature, mere breach of promise not sufficient to attract provision under Section 375 of IPC, therefore bar under Section 18, 18(A) of S.C. & S.T. (Atrocities) Act, not attracted, therefore, bail was granted.

ii) **SLP (Cri) No. 10044 of 2024; Amol Bhagwan Nehul Vs. The State of Maharashtra & Anr.**, wherein it is held that, where a criminal proceeding manifestly attended with mala-fide or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge, the power under Section 482 of the Code can be invoked to prevent the abuse of process of law.

7. Learned APP would submit that there are specific abuses, humiliating the informant in FIR on her caste being a member of schedule caste, therefore, the applicant is not deserved to be enlarged on bail. According to him, for carrying out thorough investigation and recovery of weapon i.e. iron rod, the custodial interrogation of the all the accused would be necessary. He further added that if accused is released on anticipatory bail, she will pressurize the witnesses and create hurdle in the investigation.

8. The learned Counsel for informant would also submits that, considering the nature of Penal Provisions, invoked in this

matter, no case is made out to enlarge the accused on bail, when there is bar to entertain the anticipatory bail application in the Act.

9. Considering submissions made before me, nature of offence under sections 74, 109, 115(2), 118(1), 126(2), 189(2), 190, 351(2) and 352 of Bharatiya Nyaya Sanhita, 2023 and Sec. 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii) 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 invoked against applicant/accused, it has to be seen whether the application can be entertained. In view of aforesaid decision and various decisions of Hon'ble Apex Court, it is clear that, the bar contained under section 18 and 18A of Prevention of Atrocities Act, 1989 will not attract, if perusal of FIR would show that there was no intent or mens-rea to humiliate informant on her caste within public view. Thus, it is clear that if FIR prima facie discloses the ingredients of any of the offence under Atrocities Act, the provision contained under 482 of BNSS, cannot be made applicable to the accused.

10. In view of the aforesaid, it is manifestly clear that while considering the application for Anticipatory Bail the question which needs to be considered is whether the complaint prima facie makes out the case for applicability of the provisions under Section 18 and

18-A of the Prevention of the Atrocities Act. In the instant case, the complaint has been lodged by Ashwini Vetal, who claims to be a member of 'SC' community. In the FIR lodged by her, there are no specific allegations that the accused are from non SC community and she was intentionally abused, humiliated or assaulted by them knowingly well that he belongs to SC community. It is well settled principle of law that SC/ST Atrocity Act can not be applied automatically as it is duty of prosecution to prove that the accused targeted a victim with the knowledge that she belongs to such community. As such there appears to be no prima facie disclosure of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in the peculiar facts of the present case. As such, the invocation of aforesaid offences appears to be arbitrary, without there being any foundation in the FIR. Since, prima facie, the FIR does not disclose the essential ingredients of the said offences, in absence of specific overact defined under section 3 of the said Act. Consequently, relied upon aforesaid decision, the bar under section 18 and 18-A of the said Act, can not be made applicable to the peculiar facts of the case.

11. It is also emerging from documents placed on record on behalf of the accused that, the informant had filed various criminal

cases against accused Balasaheb Pawar at various police stations. It is further evident that, in some of the cases she had withdrawn her allegations against him. Moreover, a counter-case appears to be slapped against the said informant by the applicant, showing that, informant and accused Balasaheb Pawar are at loggerheads, involving filing various criminal cases. Therefore, possibility cannot be ruled out that, in the present case also the informant could have framed the accused, without their actual involvement in the crime, as has been urged before me by the learned defence counsel.

12. It is also emerging from record that weapon i.e. iron rod related to the BNS crime is to be seized from the accused, as has been urged by the prosecution. However, the learned counsel for applicant/accused would submit that, the accused No.3 Abhijit Chavan had allegedly assaulted the informant by the iron rod, as per allegations in FIR, therefore, nothing specific is to be recovered from other accused. As such, in the light of said submission, custodial interrogation of the applicant would not be necessary, in the given facts and circumstances of the case. Consequently, considering the backgrounds of the applicant and enmity between the parties to the case, her arrest will create irreparable loss to her reputation, if she would be arrested when custodial interrogation is

not warranted, in the aforesaid circumstances, considering nature of punishment neither life nor death. Moreover, the apprehensions recorded by the prosecution in the say, can be addressed by imposing certain conditions to that effect. Hence, it can be said that sufficient ground are made out on behalf of the applicant for enlarging her on anticipatory bail, in the light of aforesaid discussion. Hence, the following order-

ORDER

1	In the event of arrest of the Applicant/accused in Cr.No. 1252/2025, she be released on P. B. and S.B. of ₹ 50,000/- with one solvent surety on the following conditions-
2	The applicant/accused shall co-operate the investigating officer in the investigation in letter and spirit.
3	Applicant shall make himself available for investigation as and when directed by Investigating Officer.
4	The applicant shall undertake that she will not tamper the prosecution evidence in any manner, so also she shall not pressurize any of the prosecution witness including informant.
5	The applicant shall refrain herself from contacting the prosecution witnesses in any manner and she shall maintain peace and tranquility in the locality.

Place: Karad.
Dt. 01/12/2025.

(D.B.Patange)
Special Judge [SC & ST],
Karad.