

MHAU160038122025



Special Case No.1066 of 2025

The State of Maharashtra

Vs.

Laxmikant Jaychand Savaji

ORDER BELOW EXH.4

Accused No.2- **Laxmikant Jaychand Savaji** has filed this application for grant of anticipatory bail under Section **482** of Bhartiya Nagrik Suraksha Sanhita.

Prosecution case in short is as follows :-

[2] The prosecutrix is belonging to “Hindu Mahar” caste, which falls under the category of Schedule Caste, whereas the applicant is not belonging to the Scheduled Castes or Scheduled Tribes.

[3] On 03.04.2025 the prosecutrix lodged F.I.R. alleging that since her school days she had relation with accused No.1- Nitin Sawaji. However, she was married to some other persons at Buldhana against her wish. Therefore, after staying for some days with the said husband she came back and started to reside with accused No.1- Nitin. Accused No.3- Pravin is the brother of accused No.1- Nitin. It is alleged that from time to time other accused including the present applicant had established sexual

relation with the prosecutrix. In the year 2022 accused No.4- Ravindra had sexual intercourse with the prosecutrix on one or two occasions. However, accused No.1- Nitin did not object accused No.4- Ravindra from doing so.

[4] Similarly, in the year 2020 at the festival of Laxshmi accused No.3- Pravin stayed at the house of prosecutrix at night time and established sexual intercourse with her forcibly. Even at that time accused No.1- Nitin was knowing all these things, however, he did not raise any objection.

[5] On 14.04.2024 the prosecutrix was residing at Omsai Nagar, Waluj. On that day, at about 07:00 p.m. accused No.2- Laxmikant removed niker of the daughter of the prosecutrix and touched his penis on her private part. At that time, accused No.2- Laxmikant asked the prosecutrix to allow him for sexual intercourse, otherwise he will spoil life of her daughter. Having no option, the prosecutrix allowed him to have sexual intercourse with her. At that time, accused No.2- Laxmikant recorded video shooting of the said sexual act.

[6] On the basis of the above F.I.R. crime vide C.R.No.I-307/2025 came to be registered. Having apprehension of his arrest in this crime, the applicant had filed first bail application bearing Criminal Bail Application No.45/2025. It was rejected by my learned Predecessor on 15.05.2025. The said application was rejected prior to filing of the charge-sheet.

Now, investigation is completed and charge-sheet is filed. Therefore, on the ground of change in circumstances, the applicant has filed this Second application for grant of anticipatory bail.

[7] I have heard both the sides and perused the material placed on record. I have perused say of I.O. (Exh.13) filed by the prosecutrix.

[8] Learned Advocate for the applicant has submitted that, it is alleged by the prosecutrix that on 14.04.2024 at about 07:00 p.m. accused – Laxmikant came to her house at Omsai Nagar, Waluj. At that time accused - Laxmikant removed niker of the daughter of the prosecutrix and touched his penis on her private part and thereafter asked the prosecutrix to allow him for sexual intercourse, otherwise he will spoil life of her daughter. Having no option, the prosecutrix allowed him to have sexual intercourse with her. Thus, the alleged incident of dated 14.04.2024 was taken place at Omsai Nagar, Waluj. However, prior to that the said house was sold out to another person and the prosecutrix along with her daughter was not residing there. This falsifies the allegations made against the accused-Laxmikant. Now, investigation is completed and charge-sheet is filed. Accused No.3- Pravin against whom similar allegations was made, has been granted anticipatory bail by this Court. Therefore, on the ground of parity the Ld. Advocate prayed for grant of anticipatory bail.

[9] No doubt, I have granted anticipatory bail to accused No.3- Pravin by an order dated 04.08.2025 passed in Criminal Bail Application No.48 of 2025. For the purpose of ready reference I reproduced paragraph No.13 of the said order as follows:-

[13] It is pertinent to note that in this case allegations against accused No.[4] Ravindra are similar to the allegations, which are made against the present applicant. Accused No.[4] Ravindra Ramdas Sawaji @ Raju Sawaji had filed Cri. Bail Application No.46/2025 before my Ld. Predecessor, it was rejected on 15.05.2025. As against the said order dated 15.05.2025 accused Ramdas Sawaji had preferred Criminal Appeal No.363/2025 before the Hon'ble High Court of Bombay (Bench at Aurangabad). The said appeal came to be allowed and the order dated 15.05.2025 passed by my learned predecessor was set aside and accused Sawaji was granted bail. In the said order the Hon'ble High Court in para No.7 observed thus:-

On going through the FIR, it is seen that allegations are that on many occasions the appellant abused her in the name of her caste. The incident of sexual assault is stated to be of 2022. She could not give date and month of the said incident. Main allegations are against the brothers of accused No.1. From the statement of the son and the daughter of the informant, it is seen that they are not supporting the case of the informant. This court finds substance in the submission that there is no explanation given for delay in lodging the complaint. There is also order passed by this court in favour of accused No.1 granting protection. Entire

complaint prima-facie appears to be vague and without sufficient particulars. Certainly there is a doubt as to whether case is made out as alleged above. Considering above, this court finds that appellant deserves protection.

[10] Thus, it is crystal clear that this Court has followed the order of the Hon'ble High Court passed in Criminal Appeal No.363/2025 by which accused No.4- Ravindra was granted anticipatory bail.

[11] Learned Advocate for the accused further submitted that no doubt first bail application i.e. Criminal Bail Application No.45 of 2025 was rejected by this Court on 15.05.2025 and thereafter the accused - Laxmikant filed Criminal Appeal No.429/2025 before the Hon'ble High Court of Bombay (Bench at Aurangabad) and challenged order dated 15.05.2025 passed by this Court. However, the said appeal came to be dismissed by the Hon'ble High Court on 08.08.2025. Only because the said appeal is dismissed by the Hon'ble High Court, right of the accused to file fresh bail application before this Sessions Court does not come to an end. The accused can file fresh bail application before this Court and if the application is rejected by this Court the accused will have remedy to file fresh Criminal Appeal before the Hon'ble High Court against the order of this Court, if the application is rejected. He relied upon the case law **Dharam Singh Parihar Vs. The State of Madhya Pradesh and Others, Criminal Appeal No.9530 of 2024, decided on**

17.03.2025 by the Hon'ble High Court of Madhya Pradesh.

Wherein, paragraph Nos.14 and 15 the Hon'ble High Court observed thus;

14. The only remedy would be to file fresh application before the Special Court for grant of bail. In that situation, if the bail application is rejected by the Special Court then repeat appeal can be filed before the High Court against that order granting or refusing the bail. It is pertinent to mention here that mere mentioning of criminal appeal as second, third or fourth would not change the right of the applicant to challenge the fresh order.

15. The section does not contemplate that a second criminal appeal will lie to the High Court against the same rejection order of the Special Court, if the High Court earlier dismissed the appeal preferred against the order of rejection passed by the court below. Rightly so, because an order once affirmed or set aside in appeal by the High Court cannot be revisited by means of another Criminal Appeal subsequently filed. Therefore, every time an accused has to approach the Court below for grant of bail unsuccessfully, he may prefer a fresh criminal appeal against the order passed therein before the High Court.

[12] [Section 18](#) of the SC/ST Act creates a bar for invoking Section 438 of the Code. However, a duty is cast on the Court to verify the averments in the complaint and to find out whether an offence under the provisions of the SC/ST Act has been prima facie made out. In other words, if there is a specific

averment in the complaint, namely, insult or intimidation with intent to humiliate by calling with caste name, the accused persons are not entitled to anticipatory bail.

[13] It is already pointed out that, first bail application i.e. Criminal Bail Application No.45 of 2025 filed by the accused- Laxmikant was rejected by this Court on 15.05.2025 and thereafter accused - Laxmikant filed Criminal Appeal No.429/2025 before the Hon'ble High Court of Bombay (Bench at Aurangabad) and challenged order dated 15.05.2025 passed by this Court. However, the said appeal came to be dismissed by the Hon'ble High Court on 08.08.2025. In para No.12 of the said judgment the Hon'ble High Court observed thus.

12. This Court has gone through the complaint. It is pointed out that this Court has already granted bail to Ravindra Ramdas Sawaji. On the ground of party is also argued by the learned Advocate for the appellants. This Court has, therefore, seen the role of the present appellants. From looking to the FIR it is seen that she has given details of instances. Taking the FIR as it is, it is seen that the appellants have committed offence as alleged. The appellants relied upon the statements of son and daughter of the informant recorded under Section 183 of the Bharatiya Sakshya Adhinyam, 2023. However, they are still minor and staying with the appellant-accused No.1. There is also statement of the informant recorded under Section 183 clearly implicating these appellants. Though it is shown that the FIR is lodged after more than a

year, this Court finds that when allegations are made attracting the provisions of SC and ST (Prevention of Atrocities) Act, the bar under Section 18 of the Atrocities Act comes into play. Though no allegations are made in the petition filed under the provisions of Domestic Violence Act, this Court finds that presently it is not the case to consider the defences of the accused.

[14] From the above observations made by the Hon'ble High Court it appears that when allegations are made attracting provisions of SC and ST (Preventions of Atrocities) Act, the bar under Sec.18 of the Atrocities Act comes into play. Therefore, considering the bar under Sec.18 of the SC and ST (Preventions of Atrocities) Act, the present application for grant of anticipatory bail is not maintainable and liable to be rejected. I, therefore, pass the following order:-

ORDER

- [1] Application (Exh.4) is rejected.
- [2] Inform the concerned police station accordingly.

Date:- 03.11.2025

(S.B. Bahalkar)
Additional Sessions Judge,
Gangapur.

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Spl. Case No.1066 of 2025
(Order below Exh.4)

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