


**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,**  
**BULDHANA**

(Presided over by **Shaikh Akbar Shaikh Jafar**)

MHBU010003582026 	<b><u>Criminal Bail Application No.</u></b> <b><u>52/2026</u></b>
	Shivshankar Pralhad Regude, ..Versus.. State of Maharashtra

**ORDER BELOW EXH.1**

(Passed on this 11<sup>th</sup> day of March 2026)

1] This bail application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita for release of applicant/accused on anticipatory bail.

2] As per the F.I.R., the informant is resident of Mandani Sarnath, Tq.Khamgaon, Dist.Buldhana and does the work of spreading and propagating the Dhamma. On 25.2.2026 at about 9.45 a.m. he along with Shrikant Sudhakar Raut, Gajanan Lalsing Jadhav, Shobha Tejrao, Mangla Ramesh Jadhav and other 10-15 Buddhist persons left village Malgi in vehicle bearing No. MH-21-BH-5261. While going around for Dhammadan, they parked their vehicle on the side of a public road in front of the statue of Dr.Babasaheb Ambedkar and started accepting Dhammadan. Meanwhile, a Tractor came there, the Tractor driver and the person sitting with him, started shouting, asking to remove their vehicle to other side. The informant told them to wait a moment as the driver had gone back to get alms. The driver of Tractor Shankar Pralhad

Regude [applicant] started abusing informant by saying “ टकल्या गाडी काढ,येथे काय भिक मागण्यासाठी आला” and abused the informant. Similarly, another person namely Vishnu Bhalekar said “ Mahars come from outside and put blue flags on their cars and park their cars on the road to beg”. He also said “महा-यांनो तुम्ही जास्त माजलेत, तुम्ही काय शेट उपटता ते पाहून घेतो ”. As such, they abused informant and his colleagues on a public place . Therefore, informant went to the police station and lodged report against applicant. On the basis of complaint lodged by informant, Crime No.150/2026 for the offences punishable under Sections 351(3), 352 of the Bharatiya Nyaya Sanhita and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [for short ‘the Act’] came to be registered against applicant and others.

3] It is the contention of applicant/accused that he is no way concerned with the alleged offence. He is falsely implicated in the present crime. Informant has lodged false report against him. He is innocent. He has not committed any offence. However, due to registration of offence, he is having apprehension of his arrest. Considering the allegations, custodial interrogation of applicant is not necessary. He is ready to abide by the conditions if released on bail. Hence, prayed to grant anticipatory bail.

4] Learned APP Shri Hiwale resisted the application by filing reply Exh.9 and contended that offence is against against

community. Offence is made out against the applicant which is serious. Investigation is in progress. If the applicant/accused is granted anticipatory bail, he may tamper with the prosecution evidence and may commit similar type of offence. Lastly, prayed to reject the bail application.

5] Informant opposed the bail application by filing reply at Exh.8 reiterating the allegations made in F.I.R. It is submitted that if the applicant/accused is granted anticipatory bail, he may threaten to him. Lastly, informant prayed to reject the bail application.

6] The Counsel of applicant is relying on following judgments;

- A] Udhav Vs. State of Maharashtra, 2019 ALLMR (Cri) 1713,
- B] Janardhan Rambhau Tawde Vs. The State of Maharashtra, Criminal Appeal No. 1134 of 2019, decided by Hon'ble Bombay High Court on 13.12.2019,
- C] Mukesh Kumar Saini Vs. State (Delhi Administration), 2002 ALL MR (Cri) Journal 41,

7] The Counsel of informant is relying on following judgments;

- A] Vilas Pandurang Pawar & Anr Vs. State of Maharashtra & Ors, 2012 AIR SCW 4852,
- B] Nitin @ Nana Laxman Deshmukh Vs. The State of Maharashtra & Ors [2025 BHCCO 819].

8] Heard rival parties at length. Perused case diary. I have gone through the cited cases. The result of each cited case is based on facts and circumstances of that particular case. However, the principle laid down in the cited case has to be following while considering the case in hand. It is well settled that there is a embargo of Section 18 of the Act to grant anticipatory bail where offence is prima facie made out. I am enlightened by the judgment passed by Hon'ble Supreme Court in the case of **Kiran Vs. Rajkumar Jain**, reported in **2025 INSC 1067**. While dealing with the application for anticipatory bail, the Hon'ble Supreme Court has pointed out that the absolute nature of bar of granting anticipatory bail under Section 18 of the Act, however, could be read and has to be applied with a rider. In a given case, where on the face of it, the offence under Section 3 of the Act is found to have not being made out and that the accusation relating to the commission of such offence are devoid of prima facie merits, the Court has a room to exercise a discretion to grant anticipatory bail to the accused under Section 438 of the Cr.P.C. [Sec.482 of BNSS]. It is further opined that the contents and the allegations in the FIR would be decisive in this regard.

9] Thus, it is clear that while ascertaining whether there is prima facie offence under Section 3 of the Act is made out or not, the Court is required to consider averments and allegations made in FIR only. On perusal of FIR in this case, it reveals that it is averred in the FIR that the present applicant has said to the applicant that

“टकल्या गाडी काढ, काय येथे भिक मागायला आला”. The allegations of abusing on caste are levelled against the co-accused who said to the informant “महारांनो तुम्ही जास्त माजलात”. Thus, to me, the offence under Section 3 of the Act is made out against the co-accused Vishnu Bhalekar. However, considering the allegations against the present applicant, I am of the view that prima facie, the offence under Section 3 of the Act would not attract against the applicant. The allegations against the applicant of abusing like “टकल्या गाडी काढ, काय येथे भिक मागायला आला” would be offence under Section 351(3) of BNS.

10] I am enlightened by the judgment passed by Hon’ble Bombay High Court in case of **Yogitabai and Others Vs. State of Maharashtra**, reported in **2026 SCC Online Bom.1104**. In the cited case, the offence under Section 3 of the Act was registered against the four accused persons. The allegation was that the accused No.1 doubted that the informant taunting her, all accused persons abused her in filthy language and accused No.2 abused informant on her caste by saying that “ चांभारीन रांड तुला जास्त झाले आहे ”. The anticipatory bail application of the accused persons was rejected by the trial Court and matter went up to the Hon’ble Bombay High Court, the Hon’ble His Lordships observed that the offence under Section 3 of the Act is made out against accused Nos. 1 and 2 only, confirmed the rejection of their bail application, however, having found that the offence under the Act does not establish against accused Nos. 3 and 4, anticipatory bail to accused Nos. 3 and 4 was granted.

11] In the case in hand, after considering the allegations in the FIR, the offence of the Act is made out against accused Vishnu Bhalekar as there are allegations against him regarding abuse on the caste. However, there is no allegation of abusing on caste against the present applicant. Hence, no prima facie case under Section 3 of the Act is made out against the applicant. Thus, the cited case **Yogitabai** [supra] is squarely applicable to the case of applicant. Hence, he is entitled for grant of anticipatory bail.

12] It is vehemently argued by the Counsel of victim that there is apprehension that the applicant will pressurize the witnesses and the informant. To overcome this situation, stringent conditions may be imposed on the applicant restraining him entering into village till filing charge-sheet.

13] Considering above discussion, I am of the view that application deserves to be allowed. Hence, I proceed to pass the following order.

### **ORDER**

- 1] The application is allowed in the following manner;
- i) In the event of arrest, applicant Shivshankar Pralhad Regude be released in Crime No. 150/2026 for the offences punishable under Sections 351(3), 352 of the Bharatiya Nyaya Sanhita and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered with Police Station, Chikhli on executing Personal Bond of Rs. 50,000/- (Rs. Fifty Thousand only) and on furnishing bail in the like amount;

- ii) Applicant shall attend the concerned Police Station on every Monday at 10.00 a.m. to 12.00 noon till filing of the charge-sheet or further order, whichever is earlier;
  - iii) Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade them from disclosing such facts to the Court or to any police officer;
  - iv) Applicant shall submit a list of at least 2 blood relatives with their detail residential addresses and also the addresses of their place of work, if any and documentary proof of showing the correctness of the details produced by them.
  - v) Applicant shall submit copies of at least two documents amongst the Passport, PAN Card, Aadhar Card, Ration Card, Electricity Bill or Voter Identity Card issued by the Election Commission of India.
  - vi) Applicant shall not pressurize to the complainant and witnesses.
  - vii] Applicant shall not enter into village Mandani Sarnath, Tq.Khamgaon, Dist.Buldhana till filing of charge-sheet.
- 2) Accordingly, inform to the concerned Police Station.

Buldhana  
Date: 11.3.2026

**(Shaikh Akbar Shaikh Jafar)**  
Additional Sessions Judge,  
Buldhana