

IN THE COURT OF ADDITIONAL SESSIONS JUDGE BULDHANA.
{Presided Over by A.G. Santani}

MHBU010004102026



Criminal Bail Application No. 65/2026.

Anil Shamrao Fepale and the Others.

V/s.

The State : Through PSO, Dhad.

APPEARANCE :

Mr. Nandkishor B. Sakhare, Ld. Advocate for the Applicants/ the Accused.

Mr. Vasant L. Bhatkar, Ld. APP for the Non-applicant/the State.

Mr. D.D. Ambhore, Ld. Advocate for the informant

ORDER BELOW EXHIBIT NO. 01.

{Passed on 18.03.2026}

01. The applicants/the accused - Anil Shamrao Fepale, Ravindra Prakash Giri and Vikas Madan Bharati filed this application for granting of anticipatory bail U/s. 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (the BNSS), in Crime No.68/2026, registered with PS.,Dhad, for offences U/s. 74, 115, 324(2), 351(2) of the Bharatiya Nyaya Sanhita (BNS) and U/s. 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act (the SCST Act).

02. Briefly, details of the FIR go to show that on 27.02.2026, the informant – Madhuri Bhagwat Kakfale, lodged the report with PS., Dhad, informing that on the same day, at about 5.00 p.m., when she, along with her husband, and the others were proceeding near from the house of one Suresh Bramhane, applicant No. 2 and his nephew (Vishal) visited there and by stopping them and picking up quarrel on the count of public water tap, beat her husband by kicks and fists flows. More so, they tried to pull her Saree and, by holding her hair, assaulted on her cheek. Further, they removed their shirt and started to assault them. They were rescued from them by one Jagdish Bhanudas Gaikwad, Uma Jagdish Gaikwad and the others. Having received this report, the said Police Station registered this Crime. Now, in view of this application, the applicants asked for their pre-arrest bail, as the FIR shows participation of applicant No. 2 Ravindra and

one another and there is no reference of rests of the applicants. They are not involved in the alleged Crime. Applicant No.1 is husband of Sarpanch of Village Ruikhed Mayamba and therefore, they are falsely implicated in this matter. They are apprehending their arrest and therefore, they had to file this application. In support of their contentions, they filed photocopies of the FIR, their Aadhar and PAN Cards. They also filed the photocopy of FIR No.69/2026, lodged by applicant No.2, against the informant and the others on 28.02.2026. The informant, in her say (Exhibit 8), objected this application on the grounds that she belonged from 'Matang' Caste and as the said Police Station was not inclined to register the offence under the SCST Act, her sister-in-law i.e. the said Uma proposed the protest. Hence, on 09.03.2026, the said offences came to be added against the applicants. They are having political background and as such, this application needs to be rejected. Likewise, Ld. APP, in view of his say at Exhibit 9, assailed this application informing the Court that in view of a protest of the said Uma, the offences U/s. 3(1)(w)(i) and 3(1)(w)(ii) of the SC ST Act came to be added against the applicants. Ld. APP also resisted this application as the applicants would be required for interrogation.

03. Mr. Sakhare, Ld. Advocate for the applicants, submitted that during pendency of the investigation, only owing to such pressure of the said Uma, the said Police Station added the offences under provisions of the SCST Act. However, the FIR is silent about any grievance and merely on the basis of police statement of the said Uma, the said offences were so added in this Crime. Thus, prima facie, there is nothing to believe that the applicants committed the said offences. He submitted that even, the FIR was not bearing reference of 'Castes' of the applicants and therefore, this very addition was not justified. In support of his submissions, he relied on the cases of Ratnakala Martandrao Mohite Vs. The State of Maharashtra, (2020 ALL MR (Cri) 334) and on Ravindra Ganesh Umale Vs. the State of Maharashtra, (2007 ALL MR (Cri.) 2374). In reply, Mr. Bhatkar, Ld. APP,

submitted that the applicants committed serious offences and therefore, they are not entitled for this pre-arrest bail. Also heard Mr. Ambhore, Ld. Advocate for the informant. He submitted that in the light of addition of the offences under the SCST Act, this application requires to be rejected. Perused the Case Diary.

04. Considering their submissions and the record, at the outset, it is to be noted that by report dtd. 27.02.2026, the informant could allege that applicant No. 2 and his nephew (Vishal) beat her husband and tried to pull her Saree. Whereas, applicant No. 1 scuffled with them. Thus, this report is silent to infer any participation of applicant No. 3. Nor, she ever whispered that at the relevant time, as she belonged from this particular Caste, targeting her Caste, she was abused. Being so, initially, the offences punishable U/s. 74, 115, 324(2) and 351(2) of the BNS **only** came to be registered. The Case Diary shows that on medical examination, there was no visible injury sustained by the informant, barring an abrasion. And, her husband had a contusion, in size 2 X 2 cm. on his upper left side of Chest. During investigation, the spot panchanama was drawn and statements of the informant, her husband and the others were reduced on 28.02.2026. **Notably**, even in their police statements, they did not aver about abuse of informant or the said Uma on the count of Caste. Above all, in view of her statement dtd. 04.03.2026, recorded U/s. 183 of the BNSS, the informant did not contend that the applicants abused her or the said Uma on Caste. It was only during police statement of the said Uma, dtd. 09.03.2026, she alleged that she was abused on her Caste and was further threatened with dire results. **Thus**, at this stage, there is no iota of material to prima-facie conclude that the applicants committed the said offences under the SCST Act. Above all, the FIR is missing details of the applicants' Caste. Being so, it appears that only in the light of the proposed protest of the said Uma, the investigation added the said offences, as against its own satisfaction. On this background, **propriety** of the added offences needs to be tested on

trial. For this proposition, the applicants rightly relied upon the matters of Ratnakala Mohite and on Ravindra Umale, Cited Supra. In addition to this scenario, presently, the investigation is substantially done and considering nature of the offences, the applicants' physical custody is not required for interrogation. Notably, object of granting anticipatory bail is to safeguard personal liberty of an individual and to protect him from the possibility of being humiliated and unnecessarily harassed by police by taking him into custody. Still, a delicate balance is needed to be established between the right of personal liberty of an individual, apprehending his arrest, and the Societal Interest. For this proposition, a helpful reliance may be placed on the case of P. Chidambaram Vs. Directorate of Enforcement, (AIR 2019 SC 4198). Applying this rule to the present set of facts, I am of the opinion that the applicants are entitled for their anticipatory bail. Needless to say that granting of bail would not amount to their exemption to attend this investigation. Hence, taking into account gravity of the offences, allegedly committed, it would also be just to impose conditions upon their release to ensure a free and fair investigation of this Crime. Hence, the Order:

-: O R D E R :-

01. In the event of arrest in Crime No. 68/2026, registered with P.S., Dhad for the offences punishable U/s. 74, 115, 324(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023, and Sections 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, all the applicants -Anil Shamrao Fepale, Ravindra Prakash Giri and Vikas Madan Bharati are hereby Ordered to be released on their executing Personal Bond of Rs. 25,000/- each (Rs. Twenty Five Thousand) and on furnishing of a surety in the like amount, subject to the conditions that;

- (i). they shall attend the concerned Police Station on every Wednesday in between 10.00 a.m. to 02.00 p.m., till filing of the Charge-sheet or passing of the further Order, whichever occurs earlier,
- (ii). they 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 him from disclosing such facts to the Court or to any police officer,
- (iii). they shall not indulge in any criminal activities in future,
 - (iv). they shall submit a list of at least three 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, and
 - (v). they 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.
02. In the event of breach of any condition, their bail would liable to be cancelled. Bail to be furnished before the concerned Court.
03. Criminal Bail Application No. 65/2026 stands disposed of.

Buldhana.
Dated : 18.03.2026.

{A.G. Santani}
Special Judge, Buldhana.
District : Buldhana.

Certificate

I affirm that the contents of this order are same word for word as per original.

Name of Court	Additional Sessions Judge, Buldhana.
Name of Steno	Sanjay Chaudhari (Steno Grade I)
Dictated on	18/03/2026
Pronounced on	18/03/2026
Transcribed on	23/03/2026
Checked & Signed on	23/03/2026
Upload Date	24/03/2026