

MHND010013552026



IN THE COURT OF SESSIONS, AT NANDED
DIST. NANDED.

ANTICIPATORY BAIL APPLICATION NO. 479 OF 2026
IN
(CR NO. 168/2026 of Shivaji Nagar Police Station)

Sonu @ Mukesh s/o Harish Tejawani

Age : 31 years Occu: Private Service

R/o. Rangar Galli, Nanded

...Applicant

V/s.

The State of Maharashtra

(At the instance of Shivaji Nagar Police
Station)

...Respondent

Appearance :-

Ld. Advocate Mr. A.B. Pande for applicant / accused

Ld. DGP Mr. R.N. Deshmukh for State.

CORAM : ADDL. SESSIONS JUDGE-1, NANDED
SHRI. T.T. AGLAWE,

:- ORDER :-

(Date :-12-06-2026)

Apprehending his arrest in Crime No. 168 of 2026, registered with Shivaji Nagar Police Station for the offences punishable under Sections 351(2), 352 of the Bhartiya Nyaya Sanhita, 2023 (in short 'BNS') and Sections 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (in short 'S.C.S.T Act') , the applicant has filed the present

application for pre-arrest bail under Section 482 of the Bhartiya Nyaya Sanhita, 2023 (in short 'BNS').

2. Perused application and reply of Investigating Officer below Exh. 10.

3. Heard Learned advocate for the applicant and learned APP for the State.

4. Perused the written arguments of the informant below Exh.09.

5. The case against applicant is that, the applicant is working as a Manager at K.C Mall, Shivajinagar, Nanded. The informant was working there as Security Guard since 22-12-2025. On 30-03-2026 when the informant was taking lunch, the co-accused / another Manager went there, abused the informant and insulted the informant by using derogatory remarks on her caste. Then applicant and owner came there. Applicant abused the informant and the owner asked them to throw the informant away from the work place. Thereafter, three of them drove the informant claiming that she belongs to particular caste. Accordingly, the applicant and co-accused removed the informant from the work.

6. The Ld. Advocate for the applicant submitted that the applicant is an employee. There is delay in lodging the FIR. Notice u/s. 35(3) of the B.N.S is served upon the owner. The applicant was not aware about the caste of the informant. Even the FIR does not states so. The informant was employed there through security

agency. Therefore, the applicant had no knowledge of the caste of informant. The Ld. Advocate further submitted that in such circumstances, there would be no bar of section 18 of the S.C.S.T (POA) Act.

7. On the other hand, the Ld. DGP has argued that the application is barred by section 18 of the S.C.S.T (POA) Act. The applicant abused the informant and insulted her on her caste. The applicant may influence the witnesses and may hamper the investigation, if the application is allowed.

8. The incident is dated 30-03-2026. The FIR edged on 18-04-2026. There is considerable delay in lodging FIR. The FIR is registered against owner also. However, say of the I.O reflects that the informant has made supplementary statement that the owner is not made caste related abuses and she has lodged the FIR against the owner inadvertently.

9. The FIR does not state that the applicant is not member of Scheduled Caste or Scheduled Tribe. The FIR also does not state that the applicant was knowing that the informant belongs to Scheduled Caste or Scheduled Tribe.

10. So far as the bar u/s. 18 is concerned, the Ld. Advocate for applicant has relied on **Keshav Reddy Vs. The State of Maharashtra, AIR (Online) 2019 (Bom) 1252**). In this case, the Hon'ble parent High Court has held as under :-

11. Moreover, in order to attract the offence under Section 3(1) or 3(2) of the Act of 1989, it is essential to demonstrate that the appellants committed the present crimes under the Act of 1989, not being a members of Scheduled Caste or Scheduled Tribe. The opening sentence of Section 3(1) or Section 3(2) of the Act of 1989, itself shows, "whoever not being a member of Scheduled Caste or Scheduled Tribe". It means that there must be prima facie affirmation or say in the FIR / complaint that the appellants-accused are not the member of Scheduled Caste or Scheduled Tribe. In the instant case, there are no whisper or averment in the FIR that appellants are not the members of Scheduled Castes or Scheduled Tribes or they are from higher caste. There is also no reference in the Keshav Reddy S/O. Ramlu Yeltiwar vs The State Of Maharashtra on 3 December, 2019 Indian Kanoon - <http://indiankanoon.org/doc/191206265/> 5 FIR that the appellants- accused were aware or they had an knowledge about the caste of first informant. These are the primary ingredients of offence under Section 3(1) and 3(2) of the Act of 1989 for appreciation at this initial stage relating to grant of relief of pre-arrest bail under section 438 of Cr.PC.

12. Taking into consideration all the circumstances discussed above, there is no impediment to conclude that in spite of bar under Section 18 of the Act of 1989, for invocation of powers under Section 438 of the Cr.PC. it is still open to this Court to find out by looking to the recitals of FIR of the case itself, as to whether prima facie case is made out or not by the first informant against present 10 902-CriAl-1024-19 appellants. As referred supra, the scrutiny of factual aspects reveals that there are no sufficient material available on record prima facie to arrive at the conclusion that the allegations nurtured on behalf of prosecution constitute the offence under the Act of 1989 against appellants. Therefore, there is no impediment to entertain the application filed under Section 438 of Cr.PC. for relief of pre-arrest bail on behalf of appellants.

11. The above observations and authority is squarely

applicable to the present case. On plain reading of the FIR, the allegations made there in prima facie did not constitute offence under S.C.S.T Act against the applicant. As such, the application and prayer is maintainable.

12. Considering the nature of the offence, nothing is to be seized or recovered at the instance of the applicant. Therefore, the arrest and custodial interrogation of the applicant may not be necessary. The ground opposing bail can be addressed by imposing suitable conditions. Hence, the following order :-

ORDER

1. In the event of the arrest of applicant by name **Sonu @ Mukesh s/o Harish Tejwani**, he be released on bail on his executing P.R. Bond of **Rs.15,000/-** with solvent surety in the like amount, on following conditions:
 - i) Applicant shall attend the I.O on 15-06-2026 in between 10.00 am to 2.00 pm and thereafter as and when called by the I.O under written intimation till filing of the charge-sheet or till 60 days from today, whichever is earlier.
 - ii) Applicant shall co-operate the investigation.
 - iii) Applicant accused shall not commit similar or any other offence.
 2. Inform the concerned Police Station accordingly.
- Dictated and Pronounced in Open Court.**

Date : 12.06.2026

(T.T. Aglawe)
Addl. Sessions Judge-1,
Nanded.

CERTIFICATE

I affirm that the contents of this PDF file order are same, word to word, as per the original order.

Name of stenographer	Y.S. Kausadikar, Grade-1
Name of Court	Addl. Sessions Court-1, Kandhar
Date of Dictation	12.06.2026
Order signed by the PO on	12.06.2026
Order uploaded on	12.06.2026

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