



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 328 OF 2026

Jagan Maroti Kadam

...Appellant

Versus

The State of Maharashtra and Another

...Respondents

Mr. P. R. Katneshwarkar, Senior Counsel i/b Mr. P. S. Kundalwadikar,
Advocate for the Appellant.

Mr. V. S. Badakh, APP for Respondent – State.

CORAM: ABHAY J. MANTRI, J.

DATE : MAY 06, 2026

PER COURT :

1. Heard Mr. Katneshwarkar, learned senior counsel appearing for the Appellant and Mr. Badakh, learned APP appearing for Respondent – State. Perused the Appeal memo, the record and case papers.

2. The Appellant, being dissatisfied with the order dated 24th April 2026 passed by the learned Special Judge, Basmathnagar in Bail Application No.109 of 2026, thereby rejecting the Application filed by the Appellant in connection with Crime No.87 of 2025 registered on 13th April 2026 with the Hatta Police Station, Taluka Tapon, District Hingoli for the offences punishable under Sections 74, 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short “BNS”) and Sections 3 (1) (r), 3 (1) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Act (for short “SC & ST” Act), has preferred this Appeal.

3. Learned Senior counsel appearing for the Appellant vehemently contended that a civil dispute is going on between the Appellant and Sudam Kadam’s family and, on that ground, the false complaint has been lodged against him and his son Onkar. During the course of arguments, he took me through various orders passed by this Court as well as the Hon’ble Supreme Court. He submitted that all these orders categorically denote that a civil dispute is going on between the Appellant’s family and the family of Sudam Kadam. He has also shown me the communication dated 07th April 2026 issued by the Village Revenue Officer to the Tahsildar, wherein it is stated that he has handed over the possession of Gut No. 76 to the father of the Appellant. Along with the said communication, he has pointed out the panchnama and Taba pavati and submitted that based on the said Taba pavati, his family members are in possession of the said land; therefore, the question of outraging the modesty of the Informant does not arise. However, with a view to harassing the Appellant, the Informant has filed a false report against the Appellant, whom he does not know, and therefore urged the grant of interim pre-arrest bail.

4. *Per contra*, learned APP opposed the grant of pre-arrest bail, contending that the averments made in the FIR itself indicate that on the date of the incident, the Appellant and his son abused the Informant with a caste

slur and outraged her modesty. He further submitted that the Appellant is not entitled to interim bail and urged for dismissal of the Appeal.

5. Having considered the rival contentions of the learned senior counsel as well as the learned APP and having gone through the record, prima facie, it appears that a civil dispute is going on between the Appellant's family and the family of Sudam Kadam. Similarly, as per the communication dated 07th April 2026, possession of the land Gut No. 76 was handed over to the father of the Appellant. Likewise, regarding the averments made in the First Information Report, though both the accused persons came into the field and abused the Informant with a caste slur, there is no specific averment appearing in the FIR as to who gave abuses to the Informant. It is not specifically disclosed in the FIR that the Appellant or his son gave the said abuses, but the FIR appears to be vague. Moreover, the allegations in respect of the beating by them and outraging her modesty are not specific; therefore, in my view, prima facie, it does not appear that the offences under the provisions of the SC & ST Act are attracted against the Appellant. Therefore, the question of application of the bar under Section 18 of the SC & ST Act does not arise.

6. In the light of the above discussion, in my view, till the appearance of Respondent No. 2, the Appellant is entitled to ad-interim bail.

7. As such, issue notice to the Respondents, returnable on **19th June 2026**.
8. Mr. Badakh, learned APP, waives service of notice on behalf of Respondent No.1.
9. Respondent No.1 is directed to serve the notice along with a copy of the Appeal memo on Respondent No.2, by the returnable date.
10. In the meantime, **ad-interim relief/bail is granted in terms of prayer clause (d)**.
11. In the event of the arrest of the Appellant in connection with Crime No. 87 of 2025 registered on 13th April 2026 with Hatta Police Station, Taluka Tapon, District Hingoli, for the offences punishable under Sections 74, 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he shall be released on bail on furnishing P.B. and S.B. of ₹50,000/- with one or two solvent sureties till the appearance of the Informant, on the following conditions:
 - (i) The Appellant shall attend Hatta Police Station on 14th May 2026 between 11:00 a.m. and 01:00 p.m. and thereafter as and when called by the Investigating Officer till the next date.

- (ii) The Appellant shall not tamper with the prosecution evidence in any manner till the next date.
- (iii) The Appellant shall not leave India without prior permission of the Court till the next date.

(ABHAY J. MANTRI, J.)