



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPEAL NO. 124 OF 2026

ABHISHEK S/O SATYANARAYAN AILWAR

Vrs.

STATE OF MAHARASHTRA AND ANOTHER

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. V. Sirpurkar, Advocate for appellant.
Shri U. R. Phasate, APP for respondent No.1.

CORAM: NEERAJ P. DHOTE, J.

DATE : 12/03/2026.

1. This appeal is filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "SCST Act") for pre-arrest bail as the application for pre-arrest bail of the Appellant is rejected by the learned Additional Sessions Judge / Special Court, Aheri (SCST Act) in Criminal Application (ABA) No.27/2026.

2. The Paragraph No.4 from the impugned order showing the prosecution case is reproduced below :-

The victim is major unmarried girl. She belongs to Gond community. She is serving as Nurse in Civil Hospital, Gadchiroli. She came in contact with the

accused and they became friends. On 18.02.2024 at about 2:00 p.m., the accused proposed the victim by saying that he loves her and wants to be in-relationship with her. On 16.07.2024 at 7:00 p.m. on Sironcha road, the accused on the promise of marriage established physical relation with her in his Swift car. Thereafter, several times the accused established physical relations with the victim on the promise of marriage. In September 2025, the victim became pregnant. The accused forced her to abort the fetus. Later on, the accused refused to marry with the victim girl on the ground that she belongs to Adiwasi community. He threatened her that if she disclosed the incident to anyone, he will defame her. Thereafter, the victim lodged the report at Aheri Police Station. Crime is registered.”

3. On the report lodged by Respondent No.2, the Crime No.58/2026 came to be registered with the Aheri Police Station for the offence punishable under Sections 69, 241, 351(2) of the BNSS, 2023 and 3(2)(va) of the SCST Act.

4. Heard learned Advocate for the Appellant and learned APP for the State.

5. Perused the documents on record and FIR. The FIR shows that Respondent No.2 - Victim aged about 27 years belonging to the Scheduled Tribe was working as a Nurse in the Government Hospital at Gadchiroli. The Victim and the Appellant got acquainted with each other and started meeting. The Appellant expressed love towards her and also expressed his desire to have relations and with her by saying that he will marry with the Victim, sexual relations were established by the Appellant with the Victim. The relations continued for a period of more than one year. The Victim became pregnant and she was forced to terminate the pregnancy. The Appellant refused to marry with the Victim on the ground that she belongs to the Scheduled Tribe. In the light of the Schedule under the SCST Act and therefore, Section 69 of BNSS which is one of Sections under which Crime is registered, prima facie, offence under Section 3(2)(va) of the SCST Act is not attracted. The papers indicate that the Victim was engaged with some other person. The complaint was made by the Appellant with the Police Station for blackmailing him by Respondent No.2 – Victim. In this

view of the matter, prima face case for interim protection is made out. Hence, the following order:-

ORDER

i] Issue notice to the respondents, returnable on 09/04/2026.

ii] Learned APP waives service of notice for Respondent No.1 / State.

iii] The Respondent No.2 – Victim be served through the concerned Police Station.

6. By way of interim order, in the event of arrest of the Appellant in Crime No.58/2026 registered by Aheri Police Station for the offences punishable under Sections 69, 241, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and under Section 3(2)(va) of the SCST Act, the Appellant be released on bail on executing P. R. Bond of Rs.25,000/- with one surety in the like amount.

7. The Appellant shall not tamper with the persecution witnesses in any manner.

8. The Appellant shall co-operate with the Investigation Machinery.

[JUDGE]

Choulwar