



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

CRIMINAL APPEAL NO.201 OF 2025

(Yogesh Devanand Gawali and ors. Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. R.D. Karode, Advocate for the appellants.
Mr. V.A. Thakare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 17, 2025.

By preferring this appeal, the appellants have challenged the order dated 09/04/2025 passed by the Additional Sessions Judge, Khamgaon in Criminal Bail Application No.147/2025 rejecting the anticipatory bail application of the present appellants.

2. The appellants are arraigned as an accused in connection with Crime No.409/2024 registered with police station Jalgaon (Jamod), District Buldhana for the offence punishable under Sections 115(2), 126(2), 189(2), 296, 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The crime is registered against the present appellants on an allegation that on 02/28/2024 when informant was proceeding towards the glossary shop, she

was abused on her caste by the present appellant and the other co-accused and also assaulted by slaps. On the basis of the said report, police have registered the crime against the present appellants.

4. Learned Counsel for the appellants submitted that against all the appellants the omnibus allegation is levelled. There is no specific role attributed to the present appellants. There is only a reference to the caste of the informant even accepting the allegation as it is. In view of that, the bar under Section 18 of the Atrocities Act will not attract. Hence, the appellants be released on ad-interim anticipatory bail.

5. Learned APP strongly opposed the appeal and submitted that considering the role attributed to the present appellants and there is specific allegations that they have abused the informant on her caste. In view of that, bar under Section 18 of the Atrocities Act will attract.

6. I have heard learned Counsel for both the sides. Perused the recitals of the FIR and the order passed by the Special Judge from which it reveals that the Investigating Officer has already issued the notice under Section 35 which shows that the Investigating Officer is not intending to arrest the present appellants. Moreover, considering the allegations levelled against the present appellants, omnibus allegations is levelled against all the

appellant. In view of that, bar under Section 18 of the Atrocities Act will not attract, and therefore, the appellants have made out a case for grant of ad-interim anticipatory bail. Accordingly, I proceed to pass the following order:

(i) Issue notice to the respondents, returnable after three weeks.

(ii) Learned APP waives notice for the State and seeks time to file reply.

(iii) The Police Station Officer, Police Station Jalgaon Jamod, District Buldhana shall intimate respondent No.2.

(iv) In the event of the arrest, the appellants – 1) Yogesh Devanand Gawali, 2) Rahul Devanand Gawali, 3) Narayan Shriram Gawali, 4) Mohan @ Swaraj Narayan Gawali and 5) Gowardhan Gambhir Gawali in connection with Crime No.409/2024 registered with police station Jalgaon (Jamod), District Buldhana for the offence punishable under Sections 115(2), 126(2), 189(2), 296, 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities)

Act, 1989, be released on ad-interim anticipatory bail on executing P.R. bond of Rs.25,000/- each with one solvent surety each in the like amount.

(v) The appellants shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.

(vi) The appellants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case, either personally or by way of electronic media.

(URMILA JOSHI-PHALKE, J.)

**Divya*