



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPEAL NO. 496/2025
RAMSINGH SHALIGRAM CHAVHAN VS. STATE OF MAHARASHTRA
AND OTHERS

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Ram Karode, Advocate for appellant.
Mr. B.N.Lonare, A.P.P. for Respondent no.1/State.
Mr. Dhruv Sangram Sirpurkar, Advocate for Respondent nos.2 and 3.

CORAM: Y. G. KHOBRAGADE, J.

DATED : 24th APRIL, 2026

1. Heard the learned counsel for the respective parties.
2. By the present appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1889 ("Act of 1989" for short), the informant/victim has challenged the order dated 8.9.2025 passed in Criminal Bail Application NO.198/2025, by learned Special Judge, (under SC & ST (POA) Act) and ASJ, Malkapur, District-Buldhana and has prayed for cancellation of anticipatory bail granted to respondent nos.2 and 3.
3. On the face of record, it appears that on 14.8.2025, the appellant/informant lodged an oral report with Borakhedi Police Station, District Buldhana, alleging that on 13.8.2025 at about 9.30 a.m. when he, along with Sarpanch and Up-sarpanch of village Tarwadi, was proceeding for a hunger strike and had halted near Tarwadi bus stop, respondent no.2 Kaduji Vithoba Kute and his brother/respondent no.3 - Prakash Vithba Kute came there and abused him by uttering caste related remarks namely: "तु पारधडल्या तु आमच्या समोर काय टीकशील, तु काय उपोषणाला जात आहे." "तु पारध्याचा तु काय आमच्या पाटलाची बराबरी करशील, तुझा रस्ता माझ्या शेताकडूनच आहे, तु एकटा

दिसलास कि तुला पाहुण घेतो” and also abused him in filthy language referring to his mother and sister. On the basis of said report, FIR bearing Crime No.0355/2025 registered with Borakhedi police station came to be registered with Borakhedi Police Station against respondents nos.2 and 3/accused for the offences punishable under Sections 351 (1)(2), 352 of Bharatiya Nyaya Sanhita, 2023, and Sections 3(1) (r) and 3(1) (s) of the Act of 1989.

4. The respondent nos.2 and 3 approached before the learned Special Court under Section 482 of BNSS, 2023 (corresponding to Section 438 of the Cr.P.C.) seeking anticipatory bail in connection with the said Crime.

5. By order dated 8.9.20225, the learned Special Court allowed the application and granted anticipatory bail to respondent nos.2 and 3. Being aggrieved, the appellant/informant has invoked the jurisdiction of this Court under Section 14-A of the Act of 1989, seeking cancellation of the said bail.

6. The learned counsel appearing for the Appellant canvassed in vehemence that, respondent nos.2 and 3 intentionally abused the appellant by caste name at a public place within public view, as the incident occurred at a bus stop in the presence of several persons, including the Gram Panchayat Sarpanch and Up-sarpanch. It is, therefore, contended that the bar under Section 18 of the Act of 1989 squarely applies, and the learned However, the learned Trial Court totally misconstrued the said provision while granting anticipatory bail. In support of submission, learned counsel for the appellant is placed reliance in the case of **Kiran Vs. Rajkumar Jivraj Jain and another** reported in 2025 SCC Online SC 1886 and prayed for cancellation of bail..

7. The learned APP appearing for respondent no.1/State supported the submissions advanced on behalf of the Appellant.

8. Per contra, the learned counsel appearing for respondent nos.2 and 3 canvassed in vehemence that, the learned Trial Court has rightly relied upon the decisions in *Shajan Skaria Vs. The State of Kerala* reported in 2024 INSC 625, *Janardhan Rambhau Tawde & others Vs. The State of Maharashtra* reported in 2020 ALL MR (Cri) 283 and passed the impugned order holding that the offence under Sections 3(1)(r) and 3(1)(s) of the Act of 1989 are not attracted. Consequently, the bar under Sections 18 and 18A of the Act of 1989 is also not attracted.

9. It is further canvassed that, in pursuance of the order dated 8.9.2025 passed by the learned Trial Court, the respondent nos.2 and 3 appeared before the Investigating Officer and furnished bail bonds so also during the investigation, they cooperated with the Investigating Officer. After the investigation is over, the Investigating Officer has filed Charge-sheet. Now, the learned Trial Court framed Charge against the present respondent nos.2 and 3-accused. Therefore, it is contended that there is no justification for cancellation of bail granted by the Trial Court. Hence, prayed for dismissal of the appeal.

10. I have perused the record and the judgment in *Kiran* (supra). The contents of FIR in the case in hand are substantially similar to those in *Kiran*, wherein the accused had used caste-based abusive language in public view i.e. a bus stop, in the presence of public representatives and other witnesses. In the said case, the accused were also slurred on informant by saying, “*Mangtyano, you have become much arrogant*”. In the case at hand, it appears that the respondent nos.2 and 3 abused the appellant/informant on his caste at the public place and in presence of Grampanchayat Sarpanch and Upsarpanch as well as in presence of other witnesses, which is in public view. The appellant-informant specifically worded the caste slurred by the respondents as “ तु पारधडल्या तु आमच्या समोर काय

टीकशीन, तु काय उपोषणाला जात आहे.” "तु पारध्याचा तु काय आमच्या पाटलाची बराबरी करशील, तुझा रस्ता माझ्या शेताकडूनच आहे, तु एकटा दिसलास कि तुला पाहुण घेतो” .

11. Therefore, it appears that the incident of abusing the informant-appellant at the hands of respondent nos.2 and 3 in the public view. Therefore, as per the law laid down in the case of Kiran (supra) a bar is created under 18 of the Act of 1989 to enlarge the respondent nos.2 and 3-accused on anticipatory bail under Section 482 of the Code of Criminal Procedure (Section 428 of the Code of Criminal Procedure). However, the learned Trial Court has passed the impugned order and enlarge the respondent nos.2 and 3/accused without considering the occurrence of the incident withing the public view. Therefore, the impugned order is not sustainable in the eyes of law and liable to be quashed and set aside.

12. However, it appears that soon after the respondent nos.2 and 3 are released on anticipatory bail, they appeared before the I.O. and furnished bail bonds. So also on completion of investigation, the I.O. has filed Charge-sheet against the respondent nos.2 and 3/accused. As per the Case Status generated on website of the Court, it appears that on 24.12.2025, the learned Trial Court framed Charge against respondent nos.2 and 3/accused. Therefore, it appears that the respondent nos.2 and 3 cooperated with the I.O. However, considering the bar under Section 18 of the Act of 1989 the respondent nos.2 and 3 are not entitled for anticipatory bail.

13. In such circumstances, and in view of ratio laid down in the case of *R. Madhusudhan Vs. State of Karnataka and another* reported in (2017) 14 SCC 233, the respondent nos.2 and 3 /accused are permitted to surrender before the I.O. and they shall entitle to file an application under Section 483 of BNSS (Section 439 CrP.C.).

14. After the said application for Regular Bail is filed, the Trial Court can decide it expeditiously on its own merits.

15. In view of above discussion, the Criminal Appeal No.496/2025 is allowed. The impugned order dated 8.9.2025 passed by the learned Special Judge under SC & ST (POA) Act and ASJ, Malkapur, District Buldhana, is quashed and set aside.

16. On instructions, learned counsel appearing for the respondent nos.2 and 3/Accused made a statement that both the respondent nos.2 and 3 shall surrender before the Investigating Officer on 8.5.2026 at 11.00 a.m.

(Y.G.KHOBRADE, J.)

Mukund Ambulkar