

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

62 CRIMINAL APPEAL NO.823 OF 2022

**SHAIKH GAUS S/O. SHAIKH MAHEBOOB
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Pradip K. Wagh, Advocate for the appellant
Ms. Ashwini Lomte, Advocate for respondent No.2 (appointed)
Mr. S. W. Munde, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 28th November, 2022

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1. Heard the learned counsel for the parties.
2. This is an application under Section 14 A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. FIR came to be lodged on 23-09-2022 with Gangakhed Police Station, Dist. Parbhani by respondent No.2. It is alleged that when the respondent no. 2 was going to her home from school with her daughter and one neighbouring girl,

accused persons who were sitting in the auto asked the respondent No.2 to stop. The respondent No.2 did not respond. They took the name of caste of respondent No.2 in loud voice and talked to her in filthy language. After sometime she had been to the house of the accused persons to request not to indulge into such practice on that she was even assaulted by the accused persons. The accused persons at that time also insulted respondent No.2 by taking the name of her caste.

4. Learned advocate for the applicants submits that in fact the accused persons were talking to each other while they were sitting in the auto. No intention can be attributed in such circumstances. There are no specific allegations as to which of the accused has exactly uttered words referring to caste of respondent No.2.

5. Learned counsel for respondent No.2 pointed out that there are specific words referring to the caste of respondent No.2 are uttered. Though incident of assault is also orally

recorded in the FIR, she submits that even there are injuries on the person of respondent No.2.

6. Learned APP also opposed the appeal. He submits that there are statements of other persons also. He submits that clear case is made out attracting the provision of Atrocities Act and in view of section 18 of the Atrocities Act there is clear bar to entertain the anticipatory bail application.

7. Considering the submissions and considering the ratio laid down by the Hon'ble Apex court in the case of Vilas Pandurang Pawar and another Vs State of Maharashtra and others reported in (2012) 8 SCC 795 and Pruthviv Raj Chauhan Vs. Union of India and others reported in (2020) 4 SCC 727, it is clear that once this court comes to a conclusion that the offence is made out under the Atrocities Act, this court need not interfere in the application for anticipatory bail in view of section 18 of the Atrocities Act. This court for the reasons recorded above, has come to a specific conclusion that there are

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specific allegations attracting the ingredients of the offence under Sections 3(1)(r) and 3(1)(s) of the Atrocities Act and finds that there is no substance in the appeal.

8. The appeal, therefore, deserves to be dismissed and same is hereby dismissed.

9. Ms. Ashwini Lomte, learned counsel for respondent No.2 is entitled to receive fees as per rules.

[KISHORE C. SANT, J.]

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