

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

13 CRIMINAL APPEAL NO.160 OF 2023

**SNEHAL W/O. BALU DHAKANE @ SNEHAL RAMDAS AVHAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.A.D. Aghay, Advocate for the appellant.
Mrs.D.S. Jape, APP for the respondent/State.
Mr.S.E. Shekade, Advocate for respondent No.2.

**CORAM : KISHORE C. SANT, J.
DATED : 18.04.2023**

PC :-

01. Heard learned Advocates for the parties. This appeal is against an order passed by the learned Additional Sessions Judge, Ahmednagar refusing to grant bail to the appellant in the event of arrest in connection with Crime No. 55 of 2023 registered with Tofkhana Police Station, Ahmednagar for the offences punishable under sections 325, 504, 506 r/w 34 of the Indian Penal Code. Later-on sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act came to be added by police.

02. In the FIR lodged by respondent No.2, the allegations are against

an unknown person. It is alleged that one girl was sitting on his motor cycle and started raising accelerator of the motor cycle by twisting the accelerator. On that the informant told not to raise accelerator of the motor cycle. On that she annoyed and said that the informant is talking too much. One other person came near her and abused the informant in the name of the caste. It is on this allegation the FIR came to be lodged on 15.01.2022. Apprehending her arrest, the appellant filed bail application in the Court of learned Additional Sessions Judge, Ahmednagar. Said application came to be rejected and the appellant is before this Court.

03. The learned Advocate for the appellant submits that reading the FIR as it is, there is no allegation made against present appellant. So far as allegation of abusing informant in the name of caste is concerned, those are against unknown person and thus no case is made out against present appellant.

04. The learned APP so also the learned Advocate for respondent No.2 opposed the appeal, stating that the offence is serious. There is abuse in the name of caste. In view of section 18 of the Atrocities Act, the appellant

does not deserve any relief from this Court.

05. By looking at the FIR it is seen that the allegation at the most against the present appellant is that she said that the informant talks too much. The allegation of abuse in the name of caste is concerned, it is stated that one of the persons abused in the name of caste.

06. This Court finds that reading the FIR as it is, no case is made out attracting the offence under the Atrocities Act, so far as present appellant is concerned. The appeal, therefore, deserves to be allowed. Hence, following order :-

ORDER

- i) The Criminal Appeal is allowed.
- ii) The order passed by the learned Additional Sessions Judge, Ahmednagar dated 03.02.2023 in Bail Application No.120 of 2023 is quashed and set aside.
- iii) The appellant shall be released on bail in the event of her arrest, on executing PR bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one solvent surety in the like amount.

- iv) The appellant shall attend the concerned police station as and when called by the Investigating Officer.
- v) The appellant shall inform her contact details to the Investigating Officer.

[KISHORE C. SANT, J.]