



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 CRIMINAL APPEAL NO. 237 OF 2024

Ramdas Ashok Khilari And Others

VERSUS

The State Of Maharashtra And Another

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Mr. Rahul R. Karpe, Advocate for Appellants.

Smt. M. N. Ghanekar, APP for Respondent-State.

Ms. Pooja K. Apache, Advocate appointed for Respondent No.2.

CORAM : KISHORE C. SANT, J.

DATE : 29th JULY 2025.

PC :-

1. Heard Mr. Karpe, the learned Advocate for the appellants, Smt. Ghanekar, the learned APP for Respondent-State and Ms. Apache, the learned Advocate appointed for Respondent No.2.

2. The appeal has become infructuous to the extent of Petitioner No.4, as during the pendency of this appeal, he was arrested and he is now released on regular bail.

3. The appellants have approached this Court challenging an order

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dated 28th February 2024 passed by the learned Additional Sessions Judge, Shrigonda in Criminal (Bail) M. A. No. 108 of 2024 rejecting the application for anticipatory bail, in connection with C.R. No. I-0080/2024, for offences punishable under Sections 323, 143, 147, 149, 504, 506 of the Indian Penal Code, 1860 and Sections 3(1)(r), 3(1)(s), and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The learned Advocate for the appellants submits that, taking the FIR as it is, no offence is made out under Atrocities Act. There is no abuse given in the name of caste with an intention to insult or humiliate the person belonging to a backward class. Other offences are bailable. He thus prays for allowing the appeal.

5. Learned APP submits that, looking to the FIR, there is clearly an allegation against the accused No.1, Ramdas. He abused the informant in the name of caste. He also pushed her away. This clearly shows that he had a specific intention to humiliate and insult the informant. She

thus prays for rejection of the appeal.

6. The learned Advocate appointed for Respondent No.2 also vehemently argued that, taking the FIR as it is, it is clearly seen that all the appellants are involved in the offences alleged. At the very beginning of the quarrel is as the informant belongs to schedule caste. She thus prays for rejection of the appeal.

7. On going through the FIR, it does appear that Ramdas uttered the name of caste of the informant. Looking to the allegation, it was a quarrel on account of children, who were playing in the lane. The quarrel was between informant and her co-sister i.e., the wife of brother-in-law. It is alleged that in that quarrel, these appellants joined and took part in the quarrel. Looking to the allegation against Ramdas, it is only seen that he merely uttered a word of a caste. There are no other following insulting or abusive words used. There is no humiliation appearing prima facie. There is no allegation of abusive language in the name of caste. As far as other appellants are concerned, the other

general offences are bailable. Considering above, this court inclined to allow the appeal. Hence, the following order:-

ORDER

- (i) Criminal Appeal stands allowed.
- (ii) The impugned order dated 28th February 2024 passed by the learned Additional Sessions Judge, Shrigonda, in Criminal (Bail) M. A. No. 108 of 2024 rejecting application for anticipatory bail, is quashed and set aside.
- (iii) In the event of arrest of the appellants in connection with C.R. No.I-0080/2024 dated 13th February 2024 registered with Karjat Police Station, Dist. Ahmednagar, for offences punishable under Sections 323, 143, 147, 149, 504, 506 of the Indian Penal Code, 1860 and Sections 3(1)(r), 3(1)(s), and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, they be released on bail on furnishing P. R. Bond in the sum of

Rs.25,000/- each, with one solvent surety/security in the like amount.

(iv) The appellants shall attend the concerned police station as and when called for and co-operate with the investigation.

(v) The appellants shall not tamper with the prosecution evidence and give threats to the informant or any of the prosecution witnesses.

(vi) The appellants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep the information updated, in case there is any change.

(vii) It is made clear that, if any of the conditions are flouted, bail shall be liable to be cancelled.

(viii) Advocate Ms. Apache is appointed for Respondent No.2. Her efforts in appreciating the matter and assisting the court. Her amount is quantified of Rs.5,000/- to be paid

through legal aid.

(ix) With this, Criminal Appeal stands disposed off.

[KISHORE C. SANT, J.]