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

**53 CRIMINAL APPEAL NO. 177 OF 2025**

PRADIP SANTOSH RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Mr. S.D. Hiwrekar, Advocate for the appellant.

Mr. S.B. Jadhav, APP for the respondent-State.

Mr. G.J. Pahilwan, Advocate for respondent No.2.

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

**DATE : 05.08.2025**

**PC :-**

01. Heard learned Advocate for the appellant, learned APP for the respondent-State and learned Advocate for respondent No.2.

02. The appellant has approached this Court seeking his release on bail in the event of his arrest in connection with Crime No. 0428 of 2024, registered with Ambad Police Station, Dist. Jalna for the offences punishable under sections 118(1), 115(2), 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita and under sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

03. The informant alleged that the incident took place on 24.09.2024 at around 01.00 p.m. It is alleged that when he along with

two others was doing the work of drainage chamber, this appellant along with Sandip Jadhav came there and tried to take away some material for their purpose. The informant on that told him not to take the material as the material is of the Government. On that it is alleged that the informant was abused in the name of caste. It is further alleged that accused No.1 Sandip took a brick in his hand and assaulted the informant. He was also assaulted with fist and kick blow and wooden log. So far as this appellant is concerned, it is alleged that he also took a brick and assaulted on the head of son of the informant, namely, Ajay. On the basis of the information, crime came to be registered. Accused Sandip is already protected by this Court by order dated 15.10.2024 in Criminal Appeal No. 932 of 2024.

04. Learned Advocate Mr. Hiwrekar vehemently submits that no case under the Atrocities Act is made out. So far as other allegations are concerned, those are not serious in nature. There is no grievous hurt received by any of the victim. The allegations of abuses in the name of caste are omnibus. It is not stated as to which of the accused gave abuses in the name caste. It is submitted that case is made out to allow the appeal.

05. Learned APP submits that there are statements of eye witnesses who have seen the incident. Thus, he opposes the appeal.

06. Learned Advocate Mr. Pahilwan for respondent No.2 opposes the appeal. He submits that the offence is a serious one. There is bar under section 18 of the Atrocities Act. He also prays for rejection of the appeal.

07. This Court has gone through the contents of the FIR. It is seen that there is no specific allegation as to which of the accused person abused in the name of caste. Though further allegations are there of assault to the informant and his son, however, there is nothing to show that they received any grievous injuries. The injuries pointed out by the learned APP are simple in nature. This Court does not find any material to deny liberty to the appellant.

08. Considering the above, following order :-

- i) The Criminal Appeal is allowed.
- ii) The order passed by learned Additional Sessions Judge-1, Ambad, Dist. Jalna dated 06.12.2024 in Criminal Bail Application No. 369 of 2024 is quashed and set aside.

- iii) In the event of arrest, the appellant shall be released on bail in connection with Crime No. 0428 of 2024, registered with Ambad Police Station, Dist. Jalna for the offences punishable under sections 118(1), 115(2), 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita and under sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on furnishing PR bond the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount.
- iv) The appellant shall not tamper with the prosecution evidence. He shall not contact prosecution witness or the informant.
- v) The appellant shall attend the concerned police as and when called by the Investigating Officer.
- vi) The appellant shall give his contact details to the concerned police station

**[KISHORE C. SANT, J.]**