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20-APEAL-576-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 CRIMINAL APPEAL NO. 576 OF 2025

Akshay Laxman Mhaske

VERSUS

The State Of Maharashtra And Another

...

Mr. Moinpasha Shaikh Farid h/f Mr. Angad L. Kanade, Advocate for Appellant.

Smt. A. S. Deshmukh, APP for Respondent-State.

Mr. V. P. Sawant, Advocate for Respondent No.2.

CORAM : KISHORE C. SANT, J.

DATE : 14th AUGUST 2025.

PC :-

1. Heard Mr. Shaikh, the learned Advocate for the appellant, Smt. Deshmukh, learned APP for Respondent-State and Mr. Sawant, learned Advocate for Respondent No.2.

2. The appellant, original informant in an atrocities case, has approached this Court seeking cancellation of bail by challenging an order dated 19th July 2024 passed by the learned Additional Sessions

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Judge, Beed, granting bail to the Respondent No.2 in the event of his arrest in connection with C.R No. 222 of 2024 registered with Talwada Police Station Tq. Georai Dist. Beed, for offences punishable under Sections 323, 324, 504, 506 of the Indian Penal Code, 1860 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It is alleged that while the appellant was going to a shop, he saw the accused constructing a compound wall of the Rural Health Sub Hospital, Nandalgaon. The informant asked him to construct the wall at some distance, as there is a community hall near the hospital. It is alleged that on this, the accused insulted the appellant in the name of his caste.

4. The respondent apprehending arrest approached the learned Additional Sessions Judge, Beed by filing an application seeking bail in event of his arrest in connection with said crime bearing Misc. Criminal Application No. 706 of 2024. The learned Sessions Judge observed that

no case is made out under Sections 3(1)(r), 3(1)(s) of the Atrocities Act. The Court found that there are no abuses given with an intention to humiliate or insult the appellant in the name of caste and therefore, granted bail.

5. The learned Advocate for the appellant vehemently submits that by looking at the FIR itself it is clear that the provisions of Atrocities Act are clearly attracted. There is utterance in the name of caste by the respondent. After the bail was granted, he is harassed by the respondent and other members of the village belonging to upper caste. He was also required to file a complaint with Home Minister, State of Maharashtra. He further submits that now there is boycott-like situation in the village on the person belonging to the scheduled caste. He submits that the learned trial Judge wrongly observed that a case is made out for grant of bail. He further submits that in view of Section 18 of the Atrocities Act, there is a bar to grant anticipatory bail, as the provisions of Section 439 of Cr.P.C. are not applicable. He thus prays for setting aside the

impugned order.

6. Learned APP supports the appeal. She submits that there is a clear utterance in the name of caste. When the name of caste is taken in a public place, it is necessarily done with an intention to cause humiliation or insult of a person in the name of his caste.

7. Learned Advocate Mr. Sawant, at the outset, submits that the impugned order is dated 19th July 2024, the present appeal is filed on 7th February 2025. Now, it is more than one year respondent is granted liberty. There is no complaint thereafter in the village against the present respondent. His further submission on merit is that taking the FIR as it is, it is seen that only name of caste is taken. No intention thereby can be gathered that it was only with an intention to humiliate or insult the appellant. He thus prays for dismissal of the appeal.

8. This Court has gone through the order passed by the learned trial Court, the FIR and has heard the parties. It appears in the FIR that the

name of caste is mentioned, however, no such insulting words or abuses are given in the name of caste. It is only stated that the respondent allegedly said that he is elected member of gram panchayat. The appellant who belongs to schedule caste need not tell him how to do his work. There is no doubt about the allegation that the respondent assaulted the appellants and his wife. However, those are not covered under the Atrocities Act.

9. The another factual point is that the order is dated 19th July 2024 i.e. more than one years time has passed. Through it is alleged that thereafter there are some incidents taken place in the village, however, no particulars are given. No complaint is also made to the police. Thus, this Court finds that no ingredients of any of the section under Atrocities Act are attracted. The learned trial Court has rightly therefore considered that Section 18 of the Atrocities Act could not be a bar in deciding the application and has allowed the application.

10. Considering above, this Court does not find any reason to cause

interference with the impugned order. In view of the same, the appeal stands dismissed and disposed off.

[KISHORE C. SANT, J.]