



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

CRIMINAL APPEAL NO. 214 OF 2025

Prashant Sonyabapu Roman,
Age 24 years, Occu. Driver,
R/o. Bolhegaon, Taluka and
District Ahmednagar

.. Appellant

Versus

1. The State of Maharashtra,
Through Police Station Officer,
MIDC Police Station, Ahmednagar,
District Ahmednagar
2. The Superintendent of Police,
Ahmednagar, District Ahmednagar
3. Anton Shamsundar Gaikwad,
Age 40 years, Occu. Patrakar,
R/o. Katorevasti, Nagapur,
Ahmednagar

.. Respondents

Mr. Rahul R. Karpe, Advocate for Appellant;
Mr. S. B. Jadhav, APP for Respondents No.1 and 2;
Mr. Nilesh N. Bhagwat, Advocate for Respondent No.3 (appointed)

CORAM : KISHORE C. SANT, J.

DATE : 18-06-2025

PER COURT:

1. Heard the learned counsel for the appellant, the learned A.P.P. for respondents No.1 and 2 and the learned counsel for respondent No.3.
2. The appellant has approached this Court challenging the order passed by the learned Additional Sessions Judge, Ahilyanagar, rejecting the application seeking bail in the event of

arrest in connection with Crime No.0784 of 2024 dated 01.11.2024, registered with the M.I.D.C. Police Station, Ahilyanagar, District Ahilyanagar, for the offences punishable under Sections 115(2), 118(1), 352 of the *Bharatiya Nyaya Sanhita*, 2023 and under Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It is the case of the appellant that the informant happens to be Journalist. On 31.10.2024, in the night, an accident took place, wherein allegedly the car of the appellant dashed auto rickshaw of one Ghorpade. Thereafter when the informant saw the said car on the road, he asked the appellant about the said accident. On asking, the appellant allegedly abused the informant in the name of caste, spat on his person and assaulted him with one wooden stick. The sister-in-law of the informant tried to rescue the informant, the appellant pushed her also on the ground. With this, the First Information Report came to be lodged. On apprehension of arrest, the appellant approached the Sessions Court. The learned Additional Sessions Judge rejected the application and, thus, the appellant is before the Court.

4. Mr. Karpe, learned counsel has vehemently argued that in the present case there is only single utterance in the name of caste which is not sufficient to attract the offence under the Atrocities Act. Only a car accident is given colour of a serious

incident. No incident of the accident is reported to the police by the rickshaw owner. There was no reason for the informant to come and ask appellant about the incident. He submits that the learned Sessions Judge has committed error by not granting the bail.

5. He relies upon the judgment in the cases of *Dada @ Anil s/o. Navnath Murkute vs State of Maharashtra and another (Criminal Appeal No.351 of 2020, dated 10.08.2020)*, *Vasantrao s/o. Madhavrao Vhadgir and others vs. State of Maharashtra and another (Criminal Appeal No.1084 of 2019, dated 05.12.2019)* to support his submission that mere utterance is not sufficient, unless there is intention to insult and humiliate the person in the name of caste.

6. Learned A.P.P. has vehemently opposes the appeal and submits that there is injury certificate and the statement of sister-in-law of the informant. The utterance in the name of caste is upheld with an action speaking of the person on the informant, clearly affects the provisions of Atrocities Act. He prays for rejection of the appeal.

7. Learned counsel for respondent No.2 also opposed the appeal stating that the offence is clearly made out.

8. This Court has gone through the first information report.

9. It is clearly seen that though there is only utterance in the name of caste, the appellant has spat on the person of the informant. It *prima facie* shows that there is an intention to humiliate and insult the informant. The judgments relied upon by the learned counsel for the appellant, are, therefore, not applicable to the present case. In the said cases, it is held by this Court that it must be shown that utterance in the name of caste was with an intention to insult and humiliate the person on his caste.

10. For the above reasons, this Court is not inclined to allow the appeal. Therefore, the appeal stands rejected.

11. The learned counsel for respondent No.3 is appointed through the High Court Legal Services Sub-Committee, Aurangabad. This Court appreciates his efforts. Hence, he shall be entitled to receive the fees as per rules.

[KISHORE C. SANT]
JUDGE

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