



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

CRIMINAL APPEAL NO. 241 OF 2025

KUSHAVARTA ALIAS KUSHAVATI w/o. DNYANESHWAR ALIAS
DNYANOBA SAWANT

VERSUS

THE SUPERINTENDENT OF POLICE AND OTHERS

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Advocate for Appellant : Mr. Kedar A. Pathade h/f. Mr. P. P. More

APP for Respondent No.1 and 2 : Ms. Chaitali Choudhari-Kutti

Advocate for Respondent No.3 : Mr. A. S. Wakode

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CORAM : KISHORE C. SANT, J.

DATE : 20-08-2025

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 seeking bail in the event of her arrest in connection with first information report dated 20.03.2025, bearing No.109 of 2025, registered with Ausa Police Station, District Latur, for the offences punishable under Sections 118(1), 115(2), 351(2), 351(3), 352, 76, 189(2), 189(3), 191(2), 190, 49, 54 of the *Bharatiya Nyaya Sanhita (B.N.S.)*, 2023 and Sections 3(2)(va), 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "Atrocities Act").

3. It is alleged by the informant that on 19.03.2025 on the day of Rangpanchami, her son was busy in playing colours, water from his bottle was sprinkled on the person of Dnyaneshwar @ Dnyanoba Sawant. On that, Dnyaneshwar was caught hold his neck and assaulted her son by sugarcane on his back and head. After that incident, son of the informant told the incident to the informant. On that, the informant with her son and others went near the grocery shop of co-villager Ram Kolpe, Dnayneshwar stopped them and allegedly abused in the name of their caste and assaulted her son. In that incident, it is alleged that the present appellant who happens to be wife of Dnyaneshwar also snatched hair of the informant and Dnyaneshwar assaulted the informant with sugarcane. The appellant approached the learned Additional Sessions Judge / Special Judge, Latur seeking bail in the event of arrest. The same came to be rejected by the impugned order dated 29.03.2025.

4. Learned counsel for the appellant has vehemently opposed the application and contended that there is no role attributed to the appellant attracting the provisions of the Atrocities Act. The allegations made are against some other accused. The role attributed to the appellant is that she snatched hair of the informant and nothing more. Other BNS sections are not material. No case under the Atrocities Act is made out. The appellant, therefore, deserves bail in the event of her arrest. So far as other

offences are concerned, no ingredients are made out. The offences under B.N.S. are bailable.

5. Learned A.P.P. pointed out that three eyewitnesses have stated about the incident. She submits that in view of bar of Section 18-A of the Atrocities Act, anticipatory bail cannot be granted and prays for rejection of the appeal.

6. Learned counsel for respondent No.2 also submits that clearly a case is made out to refuse bail application.

7. This Court has gone through the first information report and the statements of witnesses recorded by Investigating Officer. Only the allegations against this appellant is that in the incident she snatched hair of the informant. The other allegations are against the other accused persons. This Court finds that there are no abuses given in the name of caste by the present appellant. The appellant is already protected. There is no allegation of misuse of the liberty. This Court finds that no case under the Atrocities Act is made out. So far as the present appellant is concerned, this Court is inclined to allow the appeal. Hence, the order:-

ORDER

- i) Criminal Appeal is allowed.
- ii) The order dated 29.03.2025 passed below Exhibit-1 in Criminal Bail Application No.193 of 2025 by the learned Additional Sessions Judge and Special Judge, Latur, is quashed and set aside.

- iii) *Interim* order dated 09.04.2025 passed by this Court stands confirmed. However, the condition of attendance on every Sunday is modified. Henceforth, the appellant shall appear before the Police as and when called for by the Investigating Officer.
- iv) With this, the criminal appeal stands disposed of.

[KISHORE C. SANT]
JUDGE

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