



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

CRIMINAL APPEAL NO. 242 OF 2025

PANDURANG ALIAS PANDU KISHAN RAUT
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Appellant : Mr. Z. Z. Sayyed h/f.
Ms. Priyanka R. Deshpande

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

...

CORAM : KISHORE C. SANT, J.

DATE : 20-08-2025

PER COURT:-

1. Heard the learned counsel for the parties.
2. The appellant approached this Court seeking his release on bail in the event of arrest in connection with Crime No.85 of 2025 registered with Palam Police Station, District Parbhani, for the offences punishable under Sections 353(2), 351(3) and 296 of the *Bharatiya Nyaya Sanhita, 2023* and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. It is alleged in the first information report that on 07.03.2025, at around 7.30 when the informant was chitchatting with some other persons in the village, the appellant came there and abused the informant in the name of his caste. He also further abused in filthy language. The appellant therefore lodged the complaint on 08.03.2025. The application of the appellant seeking bail in the event of his arrest came to be rejected by the

learned Additional Sessions Judge/Special Judge, Gangakhed, by order dated 24.03.2025. The appellant is, therefore, before this Court.

4. The learned counsel for the appellant has vehemently argued that no ingredients of the offence under the Atrocities Act are made out. So far as the general allegations of the other BNS offences are concerned, they are non-cognizable and bailable.

5. Learned A.P.P. has argued that clearly allegations are made out. It is clearly stated that the accused knows the caste of the appellant. Learned trial Judge has rightly appreciated the material on record and rejected the application for bail. She, therefore, prays for dismissal of the appeal.

6. Having gone through the first information report, it is seen that clearly the ingredients of the offence under Sections 3(1)(r) and 3(1)(s) of the Atrocities Act are attracted. In view of Section 18A of the Atrocities Act, a bar is attracted and no bail can be granted in the event of his arrest. In view of the same, the provisions of section 438 of the Code of Criminal Procedure are not applicable. No case is made out to allow the appeal. This Court finds that the appeal need not be entertained.

7. Criminal Appeal, therefore, stands dismissed.

[KISHORE C. SANT, J.]