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

30 CRIMINAL APPEAL NO. 263 OF 2025

TEJAS MAHADEO BAGAL

....Appellant

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

.....Respondents

Mr. R. R. Karpe, Advocate for the appellant

Mrs. A. S. Deshmukh, APP for the respondents/State

Mrs. M. B. Jain, Advocate for the respondent No. 3 (appointed)

CORAM : KISHORE C. SANT, J.

DATE : 07th AUGUST, 2025

P. C.

1. Heard the learned advocate for the parties.
2. The appellant has approached this court seeking bail in the event of his arrest in connection with Crime No. 321/2025, registered with Shrigonda Police Station, Dist. Ahilyangar dated 28-03-2025 for the offences punishable under Sections 115(2), 352, 351(2), 126(2) & 3(5) of the BNS and Sections 3(2)(va), 3(1)(r), 3(1)(s) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act.

3. The respondent No. 2 lodged the FIR. It is stated that the complainant was knowing one girl namely Sayali, cousin of the present appellant. He used to be in her contact as they were in the same college. On 27-03-2025 when he was going back on his motorcycle from the college to his home, the present appellant alongwith two others accosted him in the road. The present appellant asked him as to why he keeps contact with his cousin Sayali and saying that persons belonging to their caste do not deserve to reside in the village. The persons from his caste are arrogant. It is alleged that thereafter all the accused persons also assaulted him with kicks and fists blows. Apprehending arrest the appellant approached the learned Sessions Court by filing an application for bail. Said application came to be rejected by order dated 09-04-2025. The appellant is, thus, before this court.

4. The learned advocate Mr. Karpe, submits that there

is no abuse in the name of caste. No insulting or humiliating words are used by the appellant. So far as assault is concerned, there is no specific role attributed to this appellant. He submits that no offence under the Atrocities Act is made out. So far as general sections are concerned, those are bailable. Thus, he prays for allowing the appeal.

5. The learned APP has produced on record the papers. There is injury certificate showing that all the injuries are simple in nature. No sharp weapon is used. There are statements of mother and father of the informant those are hearsay. There is no independent statement. One NC was registered prior to the incident against the appellant.

6. Respondent No. 3 vehemently opposed the appeal. She submits that offence is clearly made out and bar under Section 18 would be attracted.

7. This court considered the argument and has gone

through the judgment in the case of Dada @ Anil Navnath Murkute Vs the State of Maharashtra and another in Criminal Appeal No.351/2020. It is held in the judgment that there has to be specific averment in the first information report that the informant belongs to scheduled castes or scheduled tribes and that accused does not belong to scheduled caste or scheduled tribe. It is further held that merely uttering the name of caste is not sufficient, unless it is with an intention to humiliate or insult the informant in public view.

8. Considering all above, this court finds that in the present case there is only utterance in the name of caste. No words are used by the appellant to humiliate or insult the informant. Prima facie this court is of the opinion that a case is made out to allow the appeal. Hence, the following order:

ORDER

a] The criminal appeal stands allowed in terms of prayer clause-D.

b] The appellant in the event of his arrest in connection with Crime No. 321/2025, registered with Shrigonda Police Station, Dist. Ahilyangar dated 28-03-2025 for the offences punishable under Sections 115(2), 352, 351(2), 126(2) & 3(5) of the BNS and Sections 3(2)(va), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, shall be released on furnishing PR bond of Rs.25,000/- [Twenty Five Thousand] with one solvent surety/security in the like amount, on the following conditions:

i] The appellant shall not try to contact the informant or the witnesses.

ii] The appellant shall attend the concerned police station as and when called by the Investigating Officer.

iii] The appellant shall give the contact details like mobile no., residential address etc. to the concerned Investigating Officer.

c] Respondent No. 3 is appointed through the Legal Aid. This court appreciates her efforts. She shall be entitled to receive fees Rs.5000/- to be paid by the High Court Legal Aid Services Sub-Committee.

[KISHORE C. SANT, J.]

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