



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

CRIMINAL APPEAL NO. 290 OF 2025

Jaypal Bharatsingh Girase

.. Appellant

Versus

The State Of Maharashtra And Another

.. Respondents

Mr. Amol S. Sawant, Advocate for the Appellant.

Smt. A. S. Deshmukh, APP for Respondent No. 1.

Mr. S. B. Akhade, Advocate for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATE : 12th AUGUST, 2025.

PER COURT :-

. Heard learned advocate for the appellant, learned A.P.P. and learned advocate for respondent No. 2/informant.

2. The appellant has approached this Court seeking his release on bail in the event of his arrest in connection with FIR dated 14.03.2025 registered with Police Station Shindkheda for the offences punishable under Sections 118(1), 115(2), 352, 351(2), 351(3) r/w Section 3(5) of the Bhartiya Nyaya Sanhita (for short “B.N.S.”) and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC and ST (Prevention of Atrocities) Act (for short “Atrocities Act”). The allegation is against unknown persons. The informant who was

working on the petrol pump was assaulted by the unknown persons by fist and blows and thereafter by a rubber pipe. FIR came to be lodged. Subsequently, on looking at the CCTV footage the names of four persons were revealed in which the present appellant has also shown as accused No. 1. One statement of the manager came to be recorded wherein, he stated that the accused persons while assaulting the informant abused him in the name of his tribe. On this Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Atrocities Act also came to be added. The present appellant approached the learned Sessions Court by filing an application seeking bail in the event of his arrest. The said application came to be rejected by order dated 21.04.2025.

3. The learned advocate Mr. Sawant for the appellant vehemently argued that, initially, offence is registered only against unknown persons. No sections of Atrocities Act were mentioned. It is only after recording of statement of the manager of the petrol pump the sections came to be added of the Atrocities Act. Nothing is shown on record to show that such utterance in the name of caste by any of the accused persons specifically. Other three accused persons are already protected. No offence under

the Atrocities Act is attracted. On merits he submits that, since 02.05.2025 he is granted liberty. There is no complaint of misuse of the liberty. He thus prays for allowing the appeal.

4. The learned A.P.P. submits that, the offence appears to be serious. The shoulder bone of the informant was dislocated. The informant was beaten up by four persons shows the gravity of the offence. She points out statement of one of the witnesses wherein, he has stated that the accused persons also abused in the name of caste. She thus prays for rejection of the appeal.

5. The learned advocate Mr. Akhade for respondent No. 2 adopts the argument of the learned A.P.P. He further vehemently opposes the appeal. He submits that the involvement of the accused persons is clearly seen in the CCTV footage recording. There are also statements of witnesses showing involvement of the present appellant. He is the main accused. If he is released on bail there is every possibility of bringing pressure on the informant.

6. By looking the FIR it is clearly seen that, there is no allegation made by the informant attracting ingredients of any of the sections under the Atrocities Act. So far as other allegations

are concerned those are only of the offences under Sections 118(1), 115(2), 352, 351(2), 351(3) r/w Section 3(5) of the B.N.S. For the offence under Section 115(2), maximum sentence is only one year and for the offence under Section 118(1) the maximum sentence is three years with fine. Thus the offences are not serious requiring custody of the appellant. Now the charge-sheet is filed showing that the investigation is complete. No purpose would be served by taking custody of the appellant. As it is the appellant is on bail since 02.05.2025. There is no allegation of misuse of the liberty. The learned Trial Court has not properly considered that, in fact, prima facie, no case is made out under the Atrocities Act and has rejected the application.

7. Considering the above, this Court finds that, the impugned order deserves to be quashed and set aside. Thus, the appeal stands allowed. The order dated 02.05.2025 stands confirmed. The condition of attendance is also relaxed. The appellant shall attend the Police Station as and when called for.

8. With this, criminal appeal stands disposed of.

(KISHORE C. SANT, J.)

P.S.B.