



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

44 CRIMINAL APPEAL NO. 289 OF 2025

ASHWINI SAUDAGAR ADSULE AND ANOTHER
....Appellants

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER
.....Respondents

Mr. Ajinkya Reddy, Advocate for the appellants
Mrs. Chaitali Choudhari-Kutti, APP for the respondents/State
Mr. R. M. Gaikwad, Advocate for the respondent No.2
(appointed)

CORAM : KISHORE C. SANT, J.

DATE : 15th JULY, 2025

P. C.

1. Heard.

2. The appellants have approached this court seeking bail in the event of their arrest in connection with Crime No. 50/2025 registered at Murud Police Station, Dist. Latur for the offences punishable under sections 118(1), 115(2), 352, 351(2), 351(3), 189, 191, 190 of Bhartiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The other accused persons are already released on bail. The present appellants are accused Nos. 5 and 6 in the said FIR. It is alleged that on 21-02-2025 at around 04.00 the incident took place. There was earlier incident in respect of the informant and nephew Dinesh. They had gone to the police station to file a complaint against the relatives of the appellants. However, because of intervention of elderly persons from the village, no complaint was lodged by the informant and they came back. Thereafter on 22-02-2025 at around 10.30 am when the informant was going to Murud, the accused persons accosted the informant on the road and started abusing him. One accused Saudagar came with sickle and abused the informant in the name of caste. He also assaulted with the said sickle which caused injury to the head of the informant. On hearing the commotion other relatives of the informant came and tried to pacify the quarrel. In that incident the present appellants gave abuse in the name of caste and they assaulted with fist and kick

blows giving life threat to the informant.

4. The appellants apprehending the their arrest, approached the learned Special Court, Latur by filing a Criminal Abail application No. 135/2025 seeking anticipatory bail. Said application came to be rejected by order dated 10-03-2025.

5. Mr. Reddy, learned advocate for the appellants vehemently argued that so far as these two appellants are concerned, there are no specific allegations. Other accused persons are already released on regular bail. Taking the FIR as it is, no offence is made out under sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Atrocities Act. The allegations are vague. No any specific overtact is alleged against the present appellants. He, thus, submits that a case is made out to allow the appeal.

6. The learned APP vehemently opposed the appeal. She points out the statements of five witnesses who stated against the present appellants. She submits that offence is

serious. The offence has taken place in public place. Thus, all the sections are attracted. There is also assault by one of the accused persons. In the incident one Ramabai who tried to pacify the quarrel also received two injuries. Dinesh also received four injuries. One Sushil also received one injury. It shows the gravity of the offence and also intention of the accused persons. She submits that no case is made out to allow the appeal.

7. Mr. Gaikwad, learned advocate for the respondent No.2 also vehemently argued that all the ingredients are clearly attracted. The offence has taken place in front of the house of the cousin of the informant. They were stopped and accosted on the road. Thus, it is clear that offence has taken place in public place. He submits that not only that accused have insulted and humiliated in the name of caste, but they have given assault the informant and the ladies who came to pacify the quarrel. He, thus opposed the appeal.

8. After hearing the parties and going through the

police papers, it is seen that there are injuries. The injuries are simple in nature. The weapon is shown to be hard and blunt. Only to Vishal one injury CLW is shown to be by sharp edged weapon. A Sickle is used by the Saudagar and not by the present appellants. So far as allegations against the present appellants, it is vague. No specific utterance are alleged against the present appellants. It is also not shown that these appellants have used any weapon. This court thus, finds that no ingredients of offence under the Atrocities Act are attracted, so far as present appellants are concerned. Taking the police statements as it is, this court finds that even no specific allegations are shown against the present appellants. Considering all above, this court finds that a case is made out to allow the appeal.

9. The learned Additional Sessions Judge has rejected the application mainly by considering that the offence has taken place in the public place. This court finds that, the learned Sessions Judge, failed to appreciate the contents of the FIR. It is observed in para No. 5 that application of other accused is

rejected and there is no change in circumstance shown by the present appellants. The allegations against the present appellants are considered that they assaulted by fists and kicks blows and gave life threat. The learned Sessions Judge thus considered the bar under section 18 of the Atrocities Act. This court finds that no bar would come in this case. Considering that allegations, this court finds that a case is made out to allow the appeal. Hence, the following order:

ORDER

- a] The criminal appeal stands allowed.
- b] The appellants shall be released on bail in the event of their arrest in connection with Crime No. 50/2025 registered at Murud Police Station, Dist. Latur for the offences punishable under sections 118(1), 115(2), 352, 351(2), 351(3), 189, 191, 190 of Bhartiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on furnishing PR bond of Rs.25,000/-

[Rupees Twenty Five Thousand Only] each with one surety in the like amount, on following conditions.

- i. The appellants shall not try to contact the informant, victim or any of the prosecution witnesses.
 - ii. The appellants shall co-operate in the investigation.
 - iii. The appellants shall attend the concerned police station as and when called for.
 - iv. The appellants shall give their residential address and mobile numbers to the concerned Investigating Officer/Police Station.
- c] Mr. Gaikwad, learned advocate is appointed. Court appreciates his efforts. He shall be entitled to receive fees as per Legal Aid Rules.

[KISHORE C. SANT, J.]