



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

56 CRIMINAL APPEAL NO. 291 OF 2025

DNYANESHWAR DAGADU SALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.S.J. Salunke, Advocate for the appellants.
Ms.M.N. Ghanekar, APP for the respondent-State.
Mr.S.B. Solunke, Advocate for respondent No. 3 and 4.

CORAM : KISHORE C. SANT, J.
DATE : 05.08.2025

PC :-

01. Heard learned Advocate for the appellants, learned APP for the respondent-State and learned Advocate for respondent Nos. 3 and 4.

02. The persons accused of offence under sections 109, 3(5) and 352 of the Bhartiya Nyaya Sanhita are before this Court, is seeking bail in the event of their arrest, in connection with Crime No. 0244 of 2025, registered with MIDC Waluj Police Station.

03. After the FIR, section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act came to be added as two injured persons belong to scheduled caste and therefore the appellants have to approach this Court by way of appeal.

04. On 14.03.2025, one Gaurav Pradhan belonging to open caste lodged information. It is alleged that on 14.03.2025 at around 12 p.m. he received message from his friend that his brother Ajay was being beaten up by some persons. He, therefore went to said place, where he found that present appellants were standing. Accused no.1 started abusing the informant looking at him. It is alleged that thereafter they also assaulted him and had come with intention to commit murder. The allegation against respondent No.1 is that he assaulted with axe. So far as other accused are concerned, it is alleged that they used wooden log. Three persons i.e. Gaurav, Ajay and Anand received injuries in the assault. Police registered offence. The appellants therefore approached the Sessions Court, seeking their release on bail in the event of their arrest. Their application came to be rejected. Thus, the appellants are before this Court.

05. Learned Advocate Mr. Salunke for the appellants vehemently argued that at the most, it can be said that there was fight between two persons belonging to open caste. There is no question of having any intention to abuse any one in the name of caste. Co-incidentally, it happened that other persons who were trying to help the informant,

happened to be persons belonging to the Scheduled Caste and that by itself does not attract provisions of the Atrocities Act. There are no abuses given in the name of caste. Looking to other allegations, he submits that it does not show that there was intention to commit murder. Looking to the other sections, he submits that those are not serious offences and prays for bail in the event of their arrest.

06. Learned APP vehemently opposes the appeal. He submits that three persons received injuries. The allegations are very clear. There are statements of Ajay and Anand, wherein they have clearly stated about the abuses. There is allegation that Ajay was abused in the name of caste. There are injury certificate. She further submits that no bail be granted in the event of arrest.

07. Learned Advocate for respondent Nos. 3 and 4 vehemently opposes the appeal. He fairly submits that there is no allegation that there are abuses in the name of caste, however, he submits that offence falls under schedule and therefore, rightly section 3(2)(va) is invoked. He submits that bar under section 18 of the Atrocities Act would come into play and prays for rejection of the appeal.

08. This Court has gone through the statements of witnesses recorded by the police. In the FIR it is seen that there is no allegation that any one was abused in the name of caste. So far as assault is concerned, there are injuries received by three persons. However, from going through the injury certificate, it is seen that all the injuries are simple in nature. Thus, no intention can be gathered to commit murder. So far as statement of Ajay is concerned, he has not stated as to which of the accused abused in the name of caste. He simply submits that all the accused in chorus abused in the name of caste. This court, thus, prima facie finds that no case is made out under the Atrocities Act. Even statement of Anand does not specify as to which of the accused exactly abused in the name of caste. Considering the same, this Court is prima facie of the opinion that no case is made out under the Atrocities Act. Hence, considering the above, this Court finds that the appeal deserves to be allowed. Hence, following order :-

ORDER

- i) The appeal is allowed.
- i) The order passed by learned Special Judge, Aurangabad dated 17.04.2025 in Bail Petition No. 690 of 2025 is quashed and set aside.
- ii) In the event of arrest, the appellants shall be released on bail in connection with Crime No. 0244 of 2025, registered with MIDC Waluj Police Station, Dist.Chh.

Sambhajanagar, for the offences punishable under sections 109, 352, 3(5) of the Bhartiya Nyaya Sanhita and under sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on furnishing PR bond the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount each.

- iii) The appellants shall not tamper with the prosecution evidence. They shall not contact prosecution witness or the informant.
- iv) The appellants shall attend the concerned police as and when called by the Investigating Officer.
- v) The appellants shall give their contact details to the concerned police station

[KISHORE C. SANT, J.]