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53criapl299.25

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

53 CRIMINAL APPEAL NO. 299 OF 2025

PRATAPSING VALJINATH PATIL

....Appellant

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

.....Respondent

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

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

Mr. Shankar B. Kendre, Advocate h/f Mr. S. S. Panale, Advocate
for the respondent No.3

CORAM : KISHORE C. SANT, J.

DATE : 16th JUNE, 2025

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1. Heard. The learned advocates for the parties.

2. This appeal is filed challenging an order dated 19-04-2025 passed by the learned Additional Sessions Judge, Shrigonda, Dist. Ahmednagar below Exh.1 in Criminal Bail Application No. 248/2025 rejecting the application seeking bail in the event of his arrest in connection with Crime No. 58/2025 registered with Kharda Police Station, Tq. Jamkhed, Dist.

Ahilyanagar for the offences punishable under sections 118(1), 115(2), 351(2), 351(3), 352, 3(5) of Bhartiya Nyaya Sanhita, 2023 and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the SC and ST (Prevention of Atrocities), Act about the incident that took place on the same day against the present appellant and one more person.

3. It is alleged that this appellant abused him in the name of his caste and thereafter also assaulted the informant and one another person. The assault with iron pipe. However, that allegations is as against another accused Viraj @ Manoj. The appellant, apprehending arrest, approached the learned Additional Sessions Judge seeking bail in the event of his arrest. The learned Additional Sessions Judge rejected the application of the appellant. Thus, the appellant is before this court.

4. Mr. Karpe, learned advocate for the appellant vehemently argued that allegations at the most are about assault and utterance in the name of caste. So far as utterance is

concerned, he submits that such utterance cannot be said to be with an intention to insult or humiliate the informant. There is only one such utterance. The incident cannot be said to have been taken place in the public place. He relies upon the judgment in Criminal Appeal No. 351/2020 in the case of Anil NavnathA Murkute Vs The State of Maharashtra. In the said case this court has held that only single utterance is not sufficient to come to a conclusion that it was with an intention to humiliate or insult a person. Next ground of the appellant is that the caste of the accused is not mentioned in the FIR. He relies on the same judgment in support of his submission. He further relies upon the judgment in Criminal Appeal No. 1084/2019 in the case of Vasantrao Madhavrao Vhadgir and others Vs State more particularly para No. 11 of the said Judgment and the judgment in Criminal Appeal No. 190/2019 Jairam Shankarrao Tale and others Vs State and others. The learned Sessions Court failed to appreciate the facts and the order needs to be set aside. He, thus, submits that a clear case is made out to allow the appeal.

5. The learned APP vehemently argued that the present appellant does not deserve any relief. The spot panchanama and the allegations in the FIR clearly show that the offence has taken place in public view. There are injuries received by informant and one another. One of the injuries received on the person of another is grievous in nature. There are three witnesses who have seen the incident who have stated against the appellant. One Shrikant specifically alleged the positive role of the present appellant. She, thus, prays for rejection of the bail.

6. The learned advocate for respondent No.2 also vehemently opposes the appeal. He submits that when the offence is made out there is no question of grant of anticipatory bail in view of bar u/s 18 of the Act.

7. After hearing the parties and going through the facts it is seen that the utterance in the name of caste is at one place only that cannot be said to be with an intention to insult and

humiliate the informant. So far as assault is concerned the police has filed information only of 118(1). The learned Sessions Judge considered the section 18 of the Act and rejected the application. It is held that the appellant has insulted and humiliated the informant in the name of his caste.

8. However, in view of discussion above, it is seen that the appellant can be granted bail. Hence, the following order:

ORDER

- a] The Criminal Appeal is allowed.
- b] The order dated 19-04-2025 passed by the learned Additional Sessions Judge, Shrigonda, Dist. Ahmednagar below Exh.1 in Criminal Bail Application No. 248/2025 is quashed and set aside.
- c] The appellant be released in the event of his arrest in connection with FIR No.58/2025 on bail on furnishing PR bond in the sum of Rs.25,000/-

[Rupees Twenty Five Thousand Only] with one solvent surety in the like amount on the following conditions:

- i] The appellant shall not enter in Jamkhed Taluka, Dist. Ahilyanagar till filing of the charge-sheet except for attending the dates of the court and police station, if called
- ii] The appellant shall give his contact details such as address and mobile number to the concerned Investigating Officer.
- iii] The appellant shall not contact the informant and any of the witnesses.
- iv] The appellant shall attend the police station as and when called by the Investigating Officer.
- v] In case of breach of any of the condition, his bail bonds shall be liable to be cancelled.

[KISHORE C. SANT, J.]