



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

CRIMINAL APPEAL NO. 300 OF 2025

Haribhau s/o. Vishwanath Kure
Age 76 years, Occu. Agriculture,
R/o. Punandgaon, Taluka Majalgaon,
District Beed

.. Appellant
(Original Accused No.3)

Versus

1. The State of Maharashtra
Through Police Inspector,
City Police Station Majalgaon,
District Beed

2. Dwaraka Dnyanoba Khandagale
Age 26 years, Occu. Labour,
R/o. Punandgaon, Taluka Majalgaon,
District Beed

.. Respondents
(R.No.2/Original Informant)

Mr. Sanjay A. Wakure, Advocate for Appellant;
Mr. R. B. Dhaware, A.P.P. for Respondent No.1;
Mr. S. S. Nade, Advocate for Respondent No.2

CORAM : KISHORE C. SANT, J.

RESERVED ON : 25-06-2025

PRONOUNCED ON : 01-07-2025

PER COURT:-

1. This appeal is filed challenging the judgment and order passed by the learned Special Judge (Atrocities Act), Majalgaon, District Beed, rejecting Criminal Bail Application No.99 of 2025 filed by the present appellant.

2. It is prayed that appellant be granted bail in the event of his arrest in connection with Crime No.95 of 2025 registered with Majalgaon Police Station, District Beed, for the offences punishable under Sections 115(2), 118(2), 326(g), 333, 351(2), 352 read with Section 3(5) of the *Bharatiya Nyaya Sanhita, 2023* and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Respondent No.2 is the informant, who lodged the First Information Report (FIR) with the police station. It is stated that she resides with her mother and two children in a house purchased from accused No.1. It is alleged that on 12.03.2015, in the night at around 1.30 a.m. to 2.00 a.m., accused No.1 to 3 came in the house. Accused No.2 caught-hold the neck of the informant. He further informed that he wants to purchase the said house. He threatened of dire consequences. He also inflicted blow with blade in his hand on breast of the informant. On this, the mother and elder sister of the informant woke up and started raising shouts. On that, accused No.2 Rohidas left the informant. It is alleged against present appellant that after that he poured petrol from the bottle in his hand on the clothes and thrown an ignited match stick on clothes. By that time nephew of the informant also started raising shouts. On that, the accused persons left the house alongwith four unknown persons. On receipt of the information, the police registered the crime. The appellant apprehending arrest,

approached the learned Additional Sessions Judge seeking bail in the event of arrest, however, same came to be rejected.

4. Learned counsel for the appellant vehemently argued that no ingredients of Atrocities Act are made out. The age of the accused is above 76 years. Looking at the role attributed to him, it is seen that there is no utterance in the name of the caste by this appellant. Thus, there is no question of any insult or humiliation of the informant in the name of her caste by the present appellant. He submits that the learned Sessions Judge has failed to appreciate that no case under Atrocities Act is made out and has wrongly rejected his bail application. He submits that accused No.1 is already protected by order of bail. Accused No.2 is also now released on bail. He submits that there is no propriety in taking the present appellant in custody.

5. Learned A.P.P. has vehemently opposed the appeal. It is pointed out that there are statements recorded showing that the offence is clearly made out. Even by reading the contents of First Information Report as it is, it is clear that the ingredients of the offence are made out. He further pointed out such statements from the investigation papers.

6. Learned counsel for respondent No.2 vehemently opposed the appeal. He submits that clearly an offence is made out against

this appellant. No sympathy be shown to the appellant on the ground of age.

7. Heard the parties. Perused the papers.

8. It is seen that the allegations against the present appellant appear to be serious in nature. He has taken active part and tried to set on fire the house of the informant. He had carried bottle containing petrol with him. There are statements of mother, sister and son of the informant about the incident showing involvement of this appellant. There are three independent witnesses. They have stated that on hearing the shouts, they went near the house of the informant and fire saw and smoke coming out from the house. Considering that the offence has taken place in the night hours, the incident in the house is not expected to be seen by the independent persons. The independent persons came on the spot on hearing the shouts. At this stage, that inspires confidence and shows that the incident took place in the night.

9. Though accused No.1 is granted anticipatory bail by the trial Court, it is seen that role against him is not as serious as of accused Nos. 2 and 3. Now even accused No.2 is released on regular bail, however, that could not help the present appellant. It is seen that clearly the ingredients of the offence under Section 3(2)(va) of the Atrocities Act are attracted. It is a matter of trial.

In view of Section 18A of the Atrocities Act, a bar is clearly attracted and no bail can be granted in the event of arrest. The learned Sessions Judge has rightly considered all these aspects and has rightly rejected the application seeking anticipatory bail. No case is made out to allow the appeal.

10. Criminal Appeal, therefore, stands rejected.

[KISHORE C. SANT]
JUDGE

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