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

31 CRIMINAL APPEAL NO. 307 OF 2025

SYED MUKHTAR SYED MANJOOR ALI

....Appellant

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondent

Mr. Sayyed Tauseef Yaseen, Advocate for the appellant
Adv. A. R. Muley, Advocate for the respondent No.2 (appointed)
Mr. R. B. Dhaware, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 07th AUGUST, 2025

P. C.

1. The learned advocate for the appellant at the outset seeks leave to amend the prayer clause in the appeal.

2. Leave granted.

3. Amendment be carried out.

4. Heard the learned advocate for the appellant,

learned APP for the respondents/State and learned advocate for the respondent No. 2.

5. The appellant has approached this court seeking his release on bail in connection with Crime No. 47/2025, registered with Peth Police Station, Dist. Beed dated 12-02-2025 for the offences punishable under Sections 118(1), 121(1), 132, 3(5), 352 of the BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

6. It is alleged that the informant is working as a Sweeper (Safai Kamgar). When he was collecting the garbage in the morning, the appellant asked him to clean the garbage along the road side. The informant told him that said area does not come under him. On that the appellant is alleged to have abused the informant in the name of caste. On lodging the FIR, the appellant approached before the learned Sessions Judge by filing an application for his bail. His bail application came to be

rejected by order dated 20-03-2025. Thus, the appellant came before this court.

7. The learned advocate for the appellant vehemently argued that mere utterance in the name of caste is not sufficient to attract the provisions of the Atrocities Act. In the present case, the allegations only show that the present appellant only uttered the name of caste. However, no humiliating or insulting words are used. He, thus, submits that provision of section 18 bar would not come in the way of deciding the appeal. He relied upon the judgment in the case of Shaja Skaria Vs The State of Kerala and anr in Criminal Appeal No. 2622/2024. He submits that mere utterance in the name of caste would not be sufficient to attract the ingredients of the offence. In the present case what appears is only that name of caste stated and thereafter there are abused given.

8. The learned APP submits that there is a statement of independent witness. There is also injury certificate. He, thus,

prays for rejection of the appeal.

9. The learned advocate for respondent No.2 vehemently opposed the appeal. He submits that incident has taken place on a road which is in public view. Offence is therefore clearly made out.

10. However, looking to the FIR, prima facie it does not appear that abuses were given in the name of caste with a view to humiliate or insult the informant. This court finds substance in the argument of the learned advocate for the appellant that in the FIR itself it has come that the accused and the informant were not knowing each other. The accused therefore, asked him his name to the informant. This court, also thus, finds that it is not stated in the FIR that the appellant was knowing the caste of the informant. When there is no allegations that the accused was knowing the caste of the informant, there is no question of attracting the provisions of Atrocities Act. Other sections are bailable.

11. In view of above, this court is inclined to allow the appeal. Hence, the following order:

ORDER

- a] The criminal appeal stands allowed.
- b] The impugned judgment and order dated 20-03-2025 passed below Exh.1 in Criminal Bail Application No.187/2025 by the learned Sessions Judge, Beed stands quashed and set aside.
- c] The appellant in the event of his arrest in connection with Crime No. 47/2025, registered with Peth Police Station, Dist. Beed dated 12-02-2025 for the offences punishable under Sections 118(1), 121(1), 132, 3(5), 352 of the BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act shall be released on furnishing PR bond of

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Rs.25,000/- [Twenty Five Thousand] with one solvent surety/security in the like amount on the following conditions:

- i] The appellant shall not try to contact the informant or the witnesses.
 - ii] The appellant shall attend the concerned police station as and when called by the Investigating Officer.
 - iii] The appellant shall give the contact details like mobile no, residential address to the concerned Investigating Officer.
- d] The respondent No. 2 is appointed through the Legal Aid. This court appreciates her/his efforts. He/She shall be entitled to receive fees Rs.5000/- to be paid by the High Court Legal Aid Services Sub-Committee.

[KISHORE C. SANT, J.]