



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

CRIMINAL APPEAL NO.346 OF 2025

**SANKET AMBADAS PUND AND OTHERS
VS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. S. S. Jadhav, Advocate for the applicants
Mrs. M. N. Ghanekar, APP for the respondents/State
Mr. Kiran D. Jadhav, Advocate for respondent No.3

CORAM : KISHORE C. SANT, J.

DATE : 17th JUNE, 2025

P. C.

1. Heard the parties.
2. This appeal is by the appellants who are shown accused in FIR No. 301/2025 registered with Shevgaon Police Station, Dist. Ahmednagar for the offences punishable under Sections 191(3), 191(2), 190, 189(2), 119(1), 118(1), 115(2) of BNS and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC and ST (Prevention of Atrocities) Act.

3. It is alleged by the respondent No.3 in his statement dated 30-03-2025 that when he alongwith his son were transporting the cattle for taking them to the market, the appellants followed them. They stopped the vehicle. It is alleged that the appellant No.1 stated that the persons in the vehicle belong to scheduled caste and asked others to assault them. It is further alleged that there was assault with iron pipe and wooden stick. He was therefore, hospitalized. In the incident, amount of Rs.63,000/-, mobile phone, gold ring are also snatched. On the basis of statement FIR came to be registered. The appellants apprehending arrest approached the learned Additional Sessions Judge, where their application for bail came to be rejected mainly on the ground of section 18 of the Act. The appellants are, thus, before this court.

4. The learned advocate for the appellants vehemently argued that there is only one utterance in the name of caste. It is not sufficient to show any intention to insult or humiliate any of the person in the name of his caste. So far as other allegations

are concerned, there are no specific role attributed to any of the persons. The utterance is only by one of the appellant namely Sanket. There is counter FIR lodged i.e. prior to present FIR under Cruelty to Animals Act, wherein the present informant is shown as accused. The said offence is registered just to attract the provisions of Atrocities Act, one utterance is shown. Earlier FIR on same incident taking place prior to lodging the FIR by the present respondents. He submits that thus no offence is made out under the Atrocities Act. So far as other offences are concerned, those are not serious one except sections 118(1) and 119 of B.N.S. There is no specific allegations as to which of the appellants has snatched the ornaments or cash and which of the appellants has given blow or assault which caused alleged grievous injuries. He, thus, prays for allowing the appeal.

5. The learned APP vehemently opposed the appeal. She submits that now injury certificate is also received showing that Kondiram has received three injuries. There is clear utterance in the name of caste. She submits that even a

statement of son of the informant supports the case of the prosecution. She, thus, prays for rejection of the appeal.

6. The learned advocate for respondent No.3 also opposed the appeal. He submits that clearly a case is made out. The informant was in the hospital. He was required to be hospitalized for long period. He has shown photographs showing the injuries.

7. From looking to the injury certificate there is nothing to show that the injury received is grievous. This court finds that no case is made out attracting the provision of section 118 and 119. The allegations appears to be vague. Mere utterance the name of caste is not sufficient to attract the provision of Atrocities Act. Considering above, this court finds that a case is made out to allow the appeal. However, against Appellant No.4, there are criminal antecedents. It is shown that he was tried for offence punishable under Section 376 of the I.P.C. and under Atrocities Act. Considering this, appellant No.4 does not

deserves any relief. Hence, the following order:

ORDER

a] The appeal to the extent of appellant Nos. 1 to 3 is allowed.

b] The appeal to the extent of appellant No.4 stands rejected.

c] The impugned judgment and order dated 30-04-2025 passed below Exh. 1 in Criminal Bail Application No. 567/2025 by the learned Additional Sessions Judge, Ahmednagar is quashed and set aside.

d] The appellant Nos.1 to 3 be released in the event of their arrest in connection with Crime No. 301/2025 on bail on furnishing PR bond in the sum of Rs.25,000/- [Rupees Twenty Five Thousand Only] each with one solvent surety in the like amount on

the following conditions:

- i] The appellants shall not enter in Shevgaon Taluka, Dist. Ahmednagar except for attending the police station or the court.
- ii] The appellants shall give their contact details such as address and mobile number.
- iii] The appellants shall not contact the informant and any of the witnesses.
- iv] The appellants shall attend the police station as and when called by the Investigating Officer.

[KISHORE C. SANT, J.]