



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

20 CRIMINAL APPEAL NO. 368 OF 2025

YOGESH KUSHAL SARKATE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. Amol G. Kale, Advocate for the appellants.

Ms.R.R. Tandale, APP for the respondent-State.

Mr.R.G. Narwade h/f. Mr. S.E. Shekade, Advocate for respondent No.3.

CORAM : KISHORE C. SANT, J.

DATE : 03.09.2025

PC :-

01. Heard learned Advocate for the appellants, learned APP for the respondent Nos.1 & 2-State and learned Advocate for respondent No.3.

02. The appellants have approached this Court challenging an order passed by the learned Additional Sessions Judge, Basmathnagar, rejecting their application seeking anticipatory bail.

03. An FIR came to be lodged by respondent No.3 with Aundha Nagnath Police Station, Dist. Hingoli bearing Crime No. 0310 of 2025, for the offences punishable under sections 352, 351(3), 351(2), 191(3), 191(2), 190, 189(2), 189(1), 118(1), 115(2) of Bhartiya Nyaya Sanhita

and under sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. It is alleged that while he was driving a jeep, he dashed with one puppy dog. On that present appellants got annoyed. They stopped the vehicle and abused the informant in the name of caste saying that the persons of the caste have become arrogant and they also now purchasing vehicles. Thereafter, appellant No.1 hit a rod on the left hand of the informant. Appellant No.1 also assaulted on the head of the informant with wooden stick. The informant received injuries. There is also allegation made against one unknown person.

02. Apprehending arrest in connection with this offence, the appellants approached the Sessions Court by filing application seeking bail in the event of their arrest bearing Criminal Bail Application No. 114 of 2025. The learned Additional Sessions Judge, Basmathnagar by his order dated 20.05.2025 rejected the application. The appellants are thus before this Court.

03. Learned Advocate Mr. Kale vehemently argued that there is no specific allegation made against any of the appellants. The allegations are omnibus and vague. It is not specifically stated as to

which of the accused assaulted and abused in the name of caste. Abuses cannot be given in chorus. About other allegations, he submits that no serious offences are made out against present appellants. He thus prays for quashing and setting aside the impugned order and for their release on bail in the event of their arrest in connection with aforesaid crime.

04. Learned APP vehemently opposes the appeal. She submits that the offence is serious. There are abuses given in the name of caste on trivial reason, which shows that the appellants had intention to insult and humiliate the informant in the name of caste. She submits that there is statement of brother of the informant which supports case of the prosecution.

05. Learned Advocate for respondent No.3 also vehemently opposes the appeal. He submits that case is made out invoking provisions of the Atrocities Act. No application for bail can be entertained in the event of their arrest in view of specific bar under section 18 of the Atrocities Act.

06. After hearing the parties, this Court finds that in the FIR the allegation is not specific. No specific role is assigned so far as offence

under the Atrocities Act is concerned. The allegation is that the appellants abused in the name of caste. However no specific name is given. Other allegations are under the general sections. Those also appear to be not serious. For such offence, this Court finds that no custodial interrogation of the appellants is necessary. Care of the informant's interest can be taken of by passing appropriate order. Hence, following order :-

ORDER

- (i) This Criminal Appeal is allowed.
- (ii) The impugned order dated 20.05.2025 passed by the learned Additional Sessions Judge, Basmathnagar, Dist. Hingoli, in Criminal Bail Application No. 114 of 2025 is quashed and set aside.
- (iii) In the event of arrest, the appellants shall be released in connection with Crime No. 0310 of 2025, registered with Aundha Nagnath Police Station, Dist. Hingoli, for the offences punishable under sections 352, 351(3), 351(2), 191(3), 191(2), 190, 189(2), 189(1), 118(1), 115(2) of Bhartiya Nyaya Sanhita and under sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act on furnishing PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with one solvent surety in like amount each.
- (iv) The appellants shall not enter the jurisdiction of the Aundha Nagnath Police Station, till filing of the charge sheet except for attending the Police Station. They shall attend the concerned police station, as and when called.

- (v) The appellants shall not contact the prosecution witnesses or the informant.
- (vi) In default of any of the conditions, the bail granted to the appellants shall be liable to be cancelled.

[KISHORE C. SANT, J.]