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

933 CRIMINAL APPEAL NO. 370 OF 2025

1. Balaji Raosaheb Karhale
 2. Arvind Raosaheb Karhale
 3. Pandurang Raosaheb Karhale
 4. Naresh Prakash Karhale
 5. Vishwajit Prakash Karhale
-Appellants

VERSUS

1. The State of Maharashtra,
thr. Superintendent of Police,
Hingoli, Dist. Hingoli
 2. The Investigation Officer,
Kurunda Police Station,
Tq. Basmant, Dist. Hingoli
 3. Jijabai Narayan Khandare
-Respondents

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Mr D. M. Shinde, Advocate for Appellants

Mr S. B. Jadhav, APP for Respondent/State

Mr Prasanna Dadpe, Advocate (appointed) for Respondent No.3

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 11 SEPTEMBER 2025

P. C. :

1. By this appeal under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, the appellants are praying for quashing and setting aside the order dated 19/05/2025, passed by the learned Additional Sessions Judge, Basmathnagar, Dist. Hingoli, below Exhibit 01 in

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Criminal Bail Application No.116/2025, wherein the application filed by them praying for grant of anticipatory bail in connection with Crime No.0206/2025, registered with Kurunda Police Station, Dist. Hingoli for the offence punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and under Sections 189(1), 189(2), 191(2), 190, 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 came to be rejected. The appellants are further praying for grant of anticipatory bail to them in Crime No.206/2025.

2. The said crime was registered on the basis of the report lodged by the complainant/respondent No.3. Report is filed on 07/05/2025 for the alleged incidents dated 06/05/2025 and 07/05/2025. As per the report, it is stated that, on 06/05/2025 at about 7:30 p.m., some villagers belonging to the Matang community had a quarrel with the villagers belonging to the Mali community. After the quarrel was over, the accused persons came to their area and alleged to have abused them by referring to their caste. Though the accused persons were aware about the caste of the informant, still they have alleged to have abused the villagers/victims by referring to their caste. On the next date, i.e. on 07/05/2025, at about 11:00 a.m. certain respected persons from both the communities gathered to resolve the dispute. At

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that time, again quarrel took place and accused persons again alleged to have abused the members of the Matang community by referring to their caste. The accused persons also alleged to have threatened to commit murder of the victims. On the basis of said report, the offence was registered with the Kurunda Police Station, Dist. Hingoi for the offence punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and under Sections 189(1), 189(2), 191(2), 190, 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Heard learned Advocates for the respective parties.

4. This court, vide its order dated 28/05/2025, while issuing notices to the respondents, has already granted ad-interim protection to the appellants on the conditions that the appellants shall attend the concerned Police Station as and when required and shall cooperate with the investigation.

5. Mr Shinde, learned Advocate for the appellants states that the alleged incident under Atrocity Act is registered with intention to satisfy political rivalry. There is no allegations as regards any humiliation to the informant. The allegations of abuses on caste are in general nature against the appellant. Active specific role of the accused

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persons has not been stated by the informant in her report. There are allegations as regards pelting of stones, however, nobody is injured. Thus, learned Advocate for the appellants prayed for grant of anticipatory bail to the appellants by allowing present appeal.

6. Per contra, learned APP appearing for respondent Nos.1 and 2/State and Mr Dadpe, learned Advocate (appointed) for respondent No.3 opposed the appeal vehemently. According to the learned Advocates for the respondents, the appellants have committed serious crime and their custodial interrogation is necessary for the purpose of investigation. In view of the alleged incident, it appears that there is rift between two communities of the village. If the appeal is granted, the possibility of causing law and order situation in the village cannot be ruled out, and therefore, learned Advocates for the respondents prayed for rejection of the anticipatory bail to the appellants.

7. A perusal of first information report discloses that the allegations as regards quarrel took place between two communities pertains to the incidents dated 06/05/2025 and 07/05/2025. On 06/05/2025, at about 10:00 p.m., accused persons alleged to have come to the area belonging to the informant and they alleged to have abused

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the members of the Matang community and also alleged to have pelted stones on their houses. The accused had also threatened them of committing their murder, and therefore, due to fear, no members of Matang community went outside their home. On next day at about 11:00 a.m. the meeting came to be held where members of both the communities were present. However, while members of both the communities were trying to resolve the dispute between them, the accused persons alleged to have abused the members in chorus again by referring to their caste. Thus, it is found that alleged incident has taken place in front of the public present at the spot and the allegations are general in nature.

1. 8. Considering the above submissions and perusal of the record and investigation papers, it is pertinent to note that, if the abuses are alleged to be hurled in chorus, then the ingredients of Section 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 cannot be invoked. Apart from the aforesaid Sections, all of other Sections are bailable and therefore, the instant appeal deserves to be allowed by granting anticipatory bail to the present appellants. Hence I pass the following order :-

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ORDER

- a) The Criminal Appeal stands allowed.
 - b) The impugned order dated 19/05/2025 passed by the learned Additional Sessions Judge, Basmathnagar, Dist. Hingoli, in Criminal Bail Application No.116/2025, is quashed and set aside
 - d) The appellants shall be released in the event of their arrest in connection with Crime No. 206/2025 registered with Kurunda Police Station, Dist. Hingoli for the offence punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and under Sections 189(1), 189(2), 191(2), 190, 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023, on furnishing PR bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] each, with one solvent surety/ security in the like amount.
 - e) Appellants shall attend the concerned police station as and when called by the Investigating Officer.
 - f) Appellants shall not try to contact or pressurize the witnesses or the informant, in any manner whatsoever.
9. However, it is made clear that the observations made in this order are *prima facie* in nature for the purpose of adjudication of this appeal.

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10. Fees of learned Advocate appointed to represent respondent No.3 is to be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules.

[SUSHIL M. GHODESWAR, J.]

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