



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

CRIMINAL APPEAL NO. 379 OF 2025

1. Prasad Ramesh Renukar,
2. Vishal @ Dattatraya Jagdish Renukar,
Both Age 39 years, Occu. Worshiper,
R/o. Rashin, Taluka Karjat,
District Ahmednagar .. Appellants

Versus

1. The State of Maharashtra
Through Police Inspector,
Karjat Police Station,
Taluka Karjat, District Ahmednagar
2. Seema Upendra Sangale,
Age 49 years, Occu. Household,
R/o. Alsunde Road, Shikshak Colony, Rashin
Taluka Karjat, District Ahmednagar .. Respondents

Ms. Suvarna M. Zaware, Advocate for Appellants;
Mr. R. B. Dhaware, APP for Respondent No.1;
Prashant R. Nangare, Advocate for Respondent No.2

CORAM : KISHORE C. SANT, J.

DATE : 07-07-2025

PER COURT:-

1. Heard the learned counsel for the appellants, the learned A.P.P. for respondent No.1 and the learned counsel for respondent No.2.
2. This appeal is filed challenging an order passed by the learned Additional Sessions Judge, Shrigonda, District Ahmednagar, below Exhibit-1 in Criminal (Bail) Miscellaneous Application No.349 of 2025, dated 17.05.2025.

3. Learned Additional Sessions Judge, by way of impugned order, rejected the application of the appellants seeking bail in the event of their arrest in connection with Crime No.0263 of 2025 registered with Karjat Police Station, District Ahilyanagar, dated 28.04.2025.

4. It is case of the prosecution that the informant/respondent No.2 lodged FIR for the offences punishable under Sections 115(2), 352, 351(2), 351(3), 3(5) and 79 of the *Bharatiya Nyaya Sanhita, 2023* and Sections 3(1)(w)(i), 3(1)(w)(ii), 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "Atrocities Act").

5. It is alleged by the informant that her daughter-in-law Aishwarya who belongs to upper caste married to her son and the same is not liked by the parents and the relatives of Aishwarya. On that count, there was already a complaint filed on 07.05.2024 by Aishwarya. Present appellant No.1 was also accused in the said case. He was granted bail in the event of arrest by the learned Additional Sessions Judge. On 01.04.2024 Aishwarya lost her father, namely, Subhash Bhagvant Renukar. To pay respect, the informant went to the house of deceased Subhash. There, present appellants who happen to be the cousin of Aishwarya abused the informant in the name of caste. They abused saying that the informant belongs to lower caste still her son enticed their sister

and got married to her. It is further alleged that they assaulted the informant. On that, FIR came to be lodged with the police. The appellants, apprehending their arrest, approached before the Sessions Court, where their application came to be rejected. Hence, the appellants are before this Court.

6. Learned counsel for the appellants vehemently argued that the allegations are general in nature. It is not stated as to which appellant exactly abused in the name of caste. It is only stated that they abused in filthy language and there was an assault. She further submits that the incident took place in the house of the deceased and therefore, sections 3(1)(r) and 3(1)(s) of the Atrocities Act are not attracted. So far as other offences under other sections are concerned, no ingredients are made out. Offences under B.N.S. Act are bailable. She submits that the learned Sessions Judge, however, failed to appreciate the material on record and rejected the bail application.

7. Learned A.P.P. for respondent No.1 submits that the allegations are serious. There are statements of two other persons; one is of wife of the deceased and another is of Aishwarya herself. They stated that the informant was abused in the name of caste and thereafter, she was slapped by present appellant No.1 and he also kick blow. There is one more statement of Prakash. Learned A.P.P., thus, prays for rejection of appeal.

8. Learned counsel for respondent No.2 vehemently opposed the appeal. He submits that there are criminal antecedents. So far as appellant No.1 is concerned, he is released on bail on earlier occasion in connection with earlier offence. He has committed the offence when he was on bail. He prays for rejection of appeal.

9. Looking to the present FIR, it is seen that there is no allegation as to which of the appellant exactly uttered the words in the name of caste. From the FIR, what appears is that the appellants did not like the fact that their cousin sister married with a person from different caste. Other allegation is about assault. However, looking to the injury certificate produced by the learned A.P.P. this Court finds that no external injury is seen. It is only trauma to right side of the chest. The statement of Shobha does not refer to any abuses in the name of caste. Statement of Aishwarya also does not show that there were abuses in the name of caste. She only speak of giving slap by Prasad and one kick blow. The statement of Prakash shows that the incident happened in the house. He also does not refer to any abuse in the name of caste.

10. Considering the above and specific FIR, this Court finds that no offence is made out attracting the ingredients of the offence under the Atrocities Act. Though the name of caste is taken,

however, in the context it is seen that because of only fact that the appellants did not like their sister married to a person from the lower caste. The other offences are bailable offences. The learned Sessions Judge has mainly considered that there is utterance in the name of caste. That clear utterance without any insult or humiliation in the name of caste does not attract Sections 3(1)(r) and 3(1)(s) of the Atrocities Act.

11. So far as allegation that criminal antecedents are concerned, it is not the case that the appellant at his own threatened the other witnesses or contacted the witnesses. The incident, as per allegation, occurred where the informant herself had been to the house of the appellants. As such, this Court finds that no ingredients are made out constituting the offence under the Atrocities Act, *prima facie*. Considering the above, this Court is inclined to allow the appeal. Hence, the order:-

ORDER

- i) The criminal appeal is allowed.
- ii) The impugned order passed by the learned Additional Sessions Judge, Shrigonda, District Ahmednagar, below Exhibit-1 in Criminal (Bail) Miscellaneous Application No.349 of 2025, dated 17.05.2025, is quashed and set aside.

- iii) The appellants be released on bail in the event of their arrest in connection with Crime No.0263 of 2025 registered with Karjat Police Station, District Ahilyanagar dated 28.04.2025, for the offences punishable under Sections 115(2), 352, 351(2), 351(3), 3(5) and 79 of the *Bharatiya Nyaya Sanhita, 2023* and Sections 3(1)(w)(i), 3(1)(w)(ii), 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, 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:
- (a) They shall not enter in village Rashin, Taluka Karjat, District Ahmednagar, till filing of the charge-sheet.
 - (b) They shall give their contact details, such as, address and mobile numbers to the concerned Investigating Officer;
 - (c) They shall not contact the informant and any of the witnesses;
 - (d) They shall attend the police station as and when called by the Investigating Officer.

[KISHORE C. SANT]
JUDGE