



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

CRIMINAL APPEAL NO. 381 OF 2025

Dhanraj Govind Jadhav

.. Appellant

Versus

The State Of Maharashtra and another

.. Respondents

AND

CRIMINAL APPEAL NO. 382 OF 2025

Hanmant Bhaurao Jadhav

.. Appellant

Versus

The State Of Maharashtra and another

.. Respondents

AND

CRIMINAL APPEAL NO. 383 OF 2025

Vinod Govind Jadhav

.. Appellant

Versus

The State Of Maharashtra and another

.. Respondents

AND

CRIMINAL APPEAL NO. 384 OF 2025

Shriniwas Pundalik Nidwanche

.. Appellant

Versus

The State Of Maharashtra and another

.. Respondents

Mr. A. B. Kharosekar, Advocate h/f Mr. G. K. Chinchole, Advocate for the Appellants in all appeals..

Smt. C. C. Kutti, APP for Respondent No. 1 in all appeals.

Mr. A. R. Kachole, Advocate for Respondent No. 2 in all appeals (Appointed).

CORAM : KISHORE C. SANT, J.

DATE : 11th JULY, 2025.

PER COURT :-

. Heard learned advocate for the appellants, learned A.P.P. for the State and learned advocate for respondent No. 2 (appointed).

2. All these appeals are arising out of the same crime. The appellants have approached this Court seeking their release on bail in the event of their arrest in connection with FIR No. 0111/2025 registered with Police Station Shirur Anantpal for the offences punishable under Sections 115, 324(2), 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita (for short “B.N.S.”) and under Sections 3(1)(r), 3(1)(s), 3(1)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (for short “Atrocities Act”). The informant lodged the offence on 30.04.2025 alleging that, on the same day in the morning at around 08.30 a.m. he noticed that, cable of the motor in the agricultural field was burnt. He, therefore, asked these appellants who happen to

be neighbouring owners of the land as to who has burnt the wires. It is alleged that, these appellants got furious on that and abused the informant in the name of caste. It is alleged that, accused Dhanraj and Vinod caught hold the hands of the informant and accused Shriniwas gave a slap. It is alleged that, this is done only because the informant happens to be a person belonging to Scheduled Tribe.

3. The learned Sessions Judge, in an application seeking bail, observed that, the offence is clearly made out and in view of Section 18 of the Atrocities Act, no bail can be granted in the event of arrest in connection with this offence.

4. The learned advocate for the appellants vehemently argued that, taking the FIR as it is, no offence is made out. The allegation of abuse in the name of caste is against three accused persons namely Dhanraj, Vinod and Shriniwas. The said utterance appears at only one place. It is nowhere specifically stated as to which of the appellants exactly abused in the name of caste. There cannot be abuses given in chorus. The allegation against accused Hanmant is that, he also has abused in the name of caste, is only

that he mentioned the name of caste, however, no intention can be gathered that he addressed the informant in the name of caste to humiliate or insult the informant. All other offences are bailable.

5. The learned A.P.P. submits that, there is statement of one independent person who stated before the Police that, the quarrel took place on the road. He submits that, thus the incident has taken place in the public view. The offence is therefore clearly made out. She thus submits that, clearly an offence is made out. The learned Sessions Judge has rightly passed an order. She thus opposes the appeals for bail.

6. The learned advocate for respondent No. 2 (appointed) vehemently opposes the bail. He relies upon the judgment in the case of **Prathvi Raj Chauhan Vs. Union of India & Ors.** passed in **Writ Petition (C) No. 1015/2018**. He submits that, in the present case, the ingredients are clearly attracted and prays for rejection.

7. This Court has gone through the FIR. It is seen that, only at one place there is allegation that accused Hanmant mentioned the name of caste of the informant and said that you are arrogant.

However, looking further in the FIR it is seen that, other allegations are only that other accused caught hold hands of the informant and the accused Shriniwas slapped the informant. The utterances even if taken as it is, this Court finds that, no intention to humiliate or insult can be gathered. It is now well settled that, mere utterance in the name of caste does not attract the ingredients of the section under the Atrocities Act unless that utterance is with an intention to humiliate or insult the person. In the present case, the informant and the accused happen to be owners of neighbouring lands. They know the caste of each other, however, that itself will not be sufficient to attract the ingredients.

8. In view of the above, this Court is inclined to allow the appeals. Criminal appeals are therefore allowed.

9. The appellants be released on bail in the event of their arrest in connection with FIR No. 0111/2025 registered with Police Station Shirur Anantpal for the offences punishable under Sections 115, 324(2), 352, 351(2), 3(5) of the B.N.S. and under Sections 3(1)(r), 3(1)(s), 3(1)(va) of the Atrocities Act on furnishing P.R. bond in the sum of Rs. 25,000/- each with one

solvent surety in the like amount on following conditions :

(i) The appellants shall not try to contact any of the witnesses and shall not try to pressurize them. They shall co-operate in the investigation. They shall remain present as and when called by the investigating officer.

(ii) The appellants shall give their residential address, mobile number and other contact details with concerned I.O./Police Station.

10. In so far as Hanmant Jadhav - appellant in Criminal Appeal No. 382/2025 and Shriniwas Nidwanche – appellant in Criminal Appeal No. 384/2025 are concerned, in addition to above conditions, they shall not enter taluka Shirur Anantpal except for attending the Police Station .

11. The learned advocate for respondent No. 2 is appointed through legal aid. This Court appreciates his efforts in assisting the Court. He shall be entitled to receive the fees as per the rules through Legal Aid Centre.

12. Criminal Appeals stand disposed of.

(KISHORE C. SANT, J.)

PS.B.