



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

60 CRIMINAL APPEAL NO. 390 OF 2025

MAYUR ARJUN DETHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. S.S. Dixit, Advocate for the appellants.
Mr. S.B. Jadhav, APP for the respondent-State.
Mr. Kunal A. Kale, Advocate for respondent No.2.

CORAM : KISHORE C. SANT, J.
DATE : 05.08.2025

PC :-

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

02. The appellants have approached this Court seeking bail in the event of their arrest in connection with Crime No. 0591 of 2024 registered with Shrirampur Taluka Police Station, for the offences punishable under sections 74, 118(1), 115(2), 190, 191(2), 352, 351 (2), 351(3) of the Bhartiya Nyaya Sanhita. Subsequently offences came to be added under sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

03. After recording of statements of some the witnesses, it is alleged by the informant/respondent No.2 that on 27.11.2024 at around 9.30 p.m. present appellants along with three others assaulted the informant. It is alleged that accused No.6 Atul assaulted with white pipe. One Vijay – accused No. 1 assaulted with knife on the forehead. It is further alleged that her modesty was outraged. Her sister-in-law came to rescue her. She was also molested. The motive was that the informant had given statement to the police in one murder case against present appellants. The appellant approached the Sessions Court seeking bail, however, their bail application came to be rejected. Thus, the appellants are before this Court.

04. Learned Advocate for the appellants vehemently argued that in-fact no case under the Atrocities Act is made out. Accused Bhagwan is already protected by order dated 05.03.2025. Application of the present appellants came to be rejected by order dated 26.05.2025. He submits that no offence under the Atrocities Act is made out. Looking to the contents of the FIR, there is no serious allegation. Still, their bail application came to be rejected.

05. Learned APP has produced police papers on record. He submits that there is statement one Gorakh, who seen the accused persons assaulting the informant. Sister-in-law of the informant also gave statement about the assault on her and the informant. From the injury certificate though it is seen that the injuries are simple, no opinion was given as no x-ray was done. The learned APP thus submits that there are statements and material against the accused persons. There are certificates issued by Doctor at Nirmal Hospital and also by the Medical Officer. He thus submits that present appellants do not deserve any protection.

06. Learned Advocate for the respondent No.2 also vehemently opposes the appeal. He submits that both the injured belong to Scheduled Caste. Therefore, with the help of schedule, case is made out under the Atrocities Act. He thus prays for rejection of the appeal.

07. This Court has gone through the injury certificate. The injury certificate shows that the injuries are simple in nature. So far as allegation of molestation are concerned, the allegations are omnibus. Prima facie, no specific role is attributed to any of the accused. Though it is alleged that Mayur was having fighter in in his hand, there is no

allegation that he assaulted with the fighter. This Court prima facie finds that there is no case made out even under the Atrocities Act against any of the accused. At this stage, it is not desirable to refuse the protection. Hence, following order :-

ORDER

- i) The Criminal Appeal is allowed.
- ii) The order passed by the learned Judge, Special Court, Rahata dated 26.05.2025 in Criminal Bail Application No. 58 of 2025 is quashed and set aside.
- iii) In the event of arrest, the appellants shall be released on bail in connection with Crime No. 0591 of 2024 registered with Shrirampur Taluka Police Station, for the offences punishable under sections 74, 118(1), 115(2), 190, 191(2), 352, 351 (2), 351(3) of the Bhartiya Nyaya Sanhita and under sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i), 3(1)(w)(ii) 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/surety in the like amount each.
- iv) The appellants shall not tamper with prosecution witnesses and they shall not contact the prosecution witnesses or the informant.
- v) The appellants shall furnish their contact details like mobile number, residential address to the concerned Police Station.
- vi) The appellants shall attend the concerned police station as and when called by the Investigating Officer.

- vii) Till filing of the charge-sheet, the appellants shall not enter the jurisdiction of the concerned police station, except for attending the police station.

[KISHORE C. SANT, J.]