



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

**CRIMINAL APPEAL NO. 465 OF 2025**

1. Shahadev Bhausahab Jaybhaye
2. Santosh Bhausahab Jaybhaye .. Appellants

**Versus**

The State Of Maharashtra And Others .. Respondents

Mr. Mahesh L. Muthal, Advocate for the Appellants.  
Mrs. M. N. Ghanekar, APP for Respondent Nos. 1 and 2.  
Mrs. Meenal S. Deshmukh, Advocate h/f Mr. C. V. Thombre,  
Advocate for Respondent No. 3.

**CORAM : KISHORE C. SANT, J.**

**DATE : 06<sup>th</sup> AUGUST, 2025.**

**PER COURT :-**

. Heard learned advocate for the appellants, learned A.P.P. and learned advocate for respondent No. 3.

2. The appellants have approached this Court seeking their release on bail in the case of their arrest in connection with Crime No. 152/2025 registered with Patoda Police Station for the offences punishable under Sections 74, 352, 351(2) r/w Section 3 (5) of the Bharitya Nyaya Sanhita (for short “B.N.S.”) and under

Sections 3(1)(r), 3(1)(s), 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (for short “Atrocities Act”). It is informed that, the accused No. 1 is already arrested and he is released on regular bail. The present appeal is thus only for appellant No. 2.

3. The offence came to be registered on 10.05.2025 by respondent No. 2. It is alleged by respondent No. 2 that, her husband runs an Arts and Science College at Sakshinagar, Raimoha, Taluka Shirur Kasar, District Beed. The said college is being run on the land originally belonging to the father of the present appellants. Though the land was sold by their father, they wanted the said land back and on that they were harassing her husband. On 10.05.2025 they again came to the college premises and threatened her husband that they will kill him. It is alleged that, the appellants abused in the name of caste. It is further alleged that, they pulled saree of the informant by abusing her. The Police on the basis of information registered the crime. The appellants approached the learned Trial Court seeking bail in the event of arrest, however, the said application came to be

rejected by order dated 17.06.2025. The appellants are thus before this Court.

4. The learned advocate for the appellants vehemently argued that, no case is made out under the Atrocities Act. The utterance in the name of caste is not with an intention to insult or humiliate the informant. There is quarrel on the property. Thus, a civil dispute is given a colour of the criminal case by taking disadvantage of the caste of the informant. He thus prays for allowing the appeal.

5. The learned A.P.P. points out from the statements recorded during the course of investigation of security guard of the college and one friend of husband of the informant that, all have stated that the accused persons abused in the name of caste. The witnesses have also stated that, when the informant tried to stop the quarrel this appellant pulled her saree with intention to molest her.

6. The learned advocate for respondent No. 3 also submits that, looking to the allegations it is clearly seen that, the offence is committed attracting the provisions of the Atrocities Act and prays

for rejection of the appeal.

7. Considering the above, this Court finds that, prima facie the ingredients of offence under Sections 3(1)(w)(i) and 3(1)(w)(ii) of the Atrocities Act are attracted.

8. Since prima facie offence is made out, this Court considered that the bar under Section 18 of the Atrocities Act would operate and no bail can be granted in the event of arrest. This Court thus is not inclined to allow the appeal. The criminal appeal, therefore, stands dismissed.

**( KISHORE C. SANT, J. )**

PS.B.