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

931 CRIMINAL APPEAL NO. 502 OF 2025

1. Babruwan s/o Udhav Pawar
 2. Krushna s/o Waman Pawar
 3. Sushil s/o Waman Pawar
-APPELLANTS

VERSUS

1. The Superintendent of Police, Beed
 2. The Police Station Officer,
Ambajogai Rural Police Station,
Tq. Ambajogai, Dist. Beed
 3. Goroba s/o Namdeo Sonawane
-RESPONDENTS

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Mr P. P. More, Advocate for Appellants
Mr S. B. Jadhav, APP for Respondent Nos.1 & 2/State
Mr Uttam L. Telgaonkar, Advocate for Respondent No.3

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 08 OCTOBER 2025

P. C. :

1. By this appeal, the appellants are praying for quashing and setting aside the order dated 05/07/2025, passed by the learned Additional Sessions Judge, Beed, Dist. Beed, in Criminal Bail Application No.313/2025, wherein the application filed by them praying for grant of anticipatory bail in connection with Crime No.0204/2025, registered with Ambajogai Rural Police Station, Dist.

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Beed for the offence punishable under Sections 119(1), 115(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 came to be rejected. The appellants are further praying for grant of anticipatory bail to them in aforesaid crime.

2. The said crime was registered on the basis of the report lodged by the complainant/respondent No.3. Report is filed on 22/06/2025 for the alleged incidents between dated 01/06/2025 and 04/06/2025. As per the report, it is stated that, on 01/06/2025 when the informant was working for approach road to agricultural field by using a JCB machine, the accused persons who are belonging to Maratha caste came there and stopped the said work and informed him not to carry out the said work. When the informant asked them why they are stopping the work, the accused persons alleged to have hurled caste-based abuses in chorus and caught hold him. They alleged to have assaulted him with kicks and fists blows and forcibly snatched Rs.80,000/- from his pocket. Thereafter, villagers came there and pacified the quarrel. In view of the said incident, the informant lodged the aforesaid report.

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3. Heard learned Advocates for the respective parties.

4. Mr More, learned Advocate for the appellants states that no prima facie case is made out against the appellant/accused persons as the allegations against them are that they have abused in chorus. He further states that the appellants are innocent and they have falsely implicated in the crime. He then states that another important aspect is that the incident took place on 01/06/2025 and the FIR came to be lodged on 22/06/2025 and there is no explanations as regards delay in filing FIR, and thus, the present FIR is afterthought with a malafide intention. The allegations as regards snatching Rs.80,000/- from pocket of the informant is also unbelievable. In the reply, filed by the informant before the trial Court, he had stated that instead of Rs.80,000/-, the accused persons have snatched Rs.40,000/- from his pocket. Thus, statement in the FIR itself falsify the story put forth by the informant, and therefore, he prays for grant of anticipatory bail to the appellants by allowing present appeal.

5. Per contra, learned APP appearing for respondent Nos.1 and 2/State and Mr Telgaonkar, learned Advocate for respondent No.3 opposed the appeal vehemently. According to them, the appellants are not entitled for grant of anticipatory bail as they have committed

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serious crime against members of scheduled castes community and therefore, their custodial interrogation is necessary for the purpose of investigation. They further state that in view of bar under Section 18 of the Atrocities Act, prima facie case against the appellants is made out. Therefore, they prayed for rejection of the anticipatory bail to the appellants.

6. Looking to the averments made in the FIR, it is crystal clear that the appellants alleged to have abused in chorus by referring caste of the informant. The law on this point is very well settled by now that allegations as regards abusing the members of scheduled castes or scheduled tribes community should be specific in nature. Omnibus allegations cannot be entertained for making out prima facie evidence against the accused persons.

7. 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. Therefore, the instant appeal deserves to be allowed by granting

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anticipatory bail to the present appellants. Hence I pass the following order :-

ORDER

- a) The Criminal Appeal stands allowed.
- b) The impugned order dated 05/07/2025 passed by the learned Additional Sessions Judge, Ambajogai, Dist. Beed in Criminal Bail Application No.313/2025, is quashed and set aside
- d) The appellants shall be released in the event of their arrest in connection with Crime No.0204/2025 registered with Ambajogai Rural Police Station, Dist. Beed for the offence punishable under Sections under Sections 119(1), 115(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, 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.

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8. 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.

[SUSHIL M. GHODESWAR, J.]

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