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

25 CRIMINAL APPEAL NO. 477 OF 2025

NARENDRA MARUTI INGOLE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

AND

CRIMINAL APPEAL NO. 539 OF 2025

SOURABH ASHOK JAGDAND

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

AND

CRIMINAL APPEAL NO. 540 OF 2025

SAMBHAJI VYANKAT PATIL AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Mr.UB. Deshmukh and Mr. B.N. Gadegaonkar, Advocates for the appellants in respective appeals.

Mr.S.B. Jadhav and Ms. A.S. Deshmukh, APPs for the respondent-State in respective appeals.

Mr.Onkar Joshi, Advocate (appointed) for respondent No.2.

CORAM : KISHORE C. SANT, J.

DATE : 05.08.2025

PC :-

01. Heard learned Advocates for the appellants, learned APP for respondent-State and learned Advocate Mr. Onkar Joshi (appointed) for respondent No.2.

02. The appellants have approached this Court seeking their release on bail in connection with crime bearing No.151 of 2025, registered with Kandhar Police Station, Dist. Nanded, for the offences punishable under sections 118(1), 126(2), 189(2), 190, 191(2), 191(3),

324(4), 352 of the Bhartiya Nyaya Sanhita, 2023 and under section 3(1) (r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act [for short "Atrocities Act"]. The appellants in Criminal Appeal Nos. 477 of 2025 and 539 of 2025 are arrested on 27.05.2025. The appellants in Criminal Appeal No. 540 of 2025 are arrested on 20.06.2025 and since then they are in jail.

03. The learned Advocates for the appellants argued that the allegations are not serious. No specific role is attributed to the appellants. Accused No.1 Masalgekar is already released on regular bail, considering the role of the accused persons. The injuries are not grievous. So far as offence punishable under the Atrocities Act is concerned, it is only against Sambhaji. Learned Advocate has argued that though the allegation is made against Sambhaji that he abused in the name of caste, it is seen that he has only taken name of caste. Taking name of caste itself cannot be said to be with an intention to insult or humiliate a person belonging to the Scheduled Caste. In Criminal Appeal No. 540 of 2025, it is case of the appellant that two years prior i.e. in August, 2022, appellant Sambhaji was required to file a complaint against a group of informant for the offences punishable under sections 143, 147, 148, 149, 323, 324, 504 and 506 of the Indian Penal Code. It is because of that now the complaint is filed. The appellants thus pray for release on the bail.

04. Learned APP vehemently opposes the appeals. He submits that these appeals are in respect of the offences under the Atrocities Act, which are required to be considered more seriously. Though the

allegation is against respondent No.1 of abusing in the name of caste, it was in the presence of all these accused persons. It shows that there was common intention. He thus opposes grant of bail.

05. Learned Advocate for respondent No.2 vehemently opposes the appeal. He submits that against Sourabh and Sambhaji, there are criminal antecedents. Earlier prosecutions are pending against them. These persons do not deserve any bail.

06. This Court has considered the FIR and the role of each of the accused. The allegation against Sambhaji is that he abused in the name of caste. Though there are allegations of assault, the injuries are not grievous, but appear to be simple. Now, charge-sheet is already filed showing that the investigation is completed. So far as criminal antecedents are concerned, it is seen that Sourabh is involved in a case under the Protection of Children under Sexual Offences Act. Sambhaji is also seen to be involved in an offence.

07. Considering that now charge-sheet is filed, accused persons are in jail for more than 1 ½ months and two months respectively, this Court is inclined to allow the appeals. Hence, the order :-

ORDER

- i) The Criminal Appeals are allowed.
- ii) The impugned orders are quashed and set aside.

- iii) The appellants in all the three Criminal Appeals shall be released on bail in connection with Crime bearing No. 151 of 2025, registered with Kandhar Police Station, Dist. Nanded, for the offences punishable under sections 118(1), 126(2), 189(2), 190, 191(2), 191(3), 324(4), 352 of the Bhartiya Nyaya Sanhita, 2023 and under section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on executing PR bond in the sum Rs. 25,000/- (Rupees Twenty Five Thousand) with one solvent surety/security in the like amount each.
- iv) The appellants shall not tamper with the prosecution evidence. They shall not contact prosecution witness or the informant.
- v) The appellants shall attend the concerned police as and when called by the Investigating Officer.
- vi) The appellants shall give their contact details to the concerned police station
- vii) In case there is breach of any of condition by the appellants, their bail shall be liable to be cancelled.
- viii) This Court appreciates the efforts taken by the learned Advocate appointed for respondent No. 2. He shall be entitled to receive his fees from the Legal Aid as per rules.

[KISHORE C. SANT, J.]