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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.588 OF 2025

Digambar s/o Maroti Dhage,
Age-28 years, Occu-Agriculturist and
Tailor,
R/o Yeli, Tq.Loha,
Dist.Nanded

-- APPELLANT

VERSUS

1. The State of Maharashtra,
Through Police Station Usmannagar,
Tq.Loha, Dist. Nanded

2. Prakash Madan Pawar,
Age-388 years, Occu-Labour,
R/o Yeli, Tq.Loha
Dist.Nanded

-- RESPONDENTS

Mr.A.D.Hande, Advocate for the Appellant.
Mr.G.O.Wattamwar, APP for the Respondent/State.
Mr.S.G.Shete, Advocate for Respondent No.2 (Appointed through legal aid)

(CORAM : SUSHIL M. GHODESWAR, J.)

RESERVED ON : 10 SEPTEMBER 2025
PRONOUNCED ON : 12 SEPTEMBER 2025

ORDER :

1. This is an appeal preferred by the Appellant challenging the order passed by the learned Special Judge, Kandhar dated

21.07.2025, wherein the bail application filed by the Appellant bearing Misc.Cri. Application No.128/2025 came to be rejected. The said bail application was preferred in Crime No.149/2025, which was registered with Usmannagar Police Station, Dist.Nanded on the basis of report dated 12.07.2025 lodged by Respondent No.2 for the offence punishable under Sections 3(1)(r)(s) and (u) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 67 of the Information Technology Act and 299 of the Bharatiya Nyaya Sanhita, 2023.

2. Crime No.149/2025 came to be registered against the appellant alleging therein that on 11.07.2025, at about 8.00 a.m., when the Informant was watching his mobile, he found certain derogatory messages on Instagram Account of the Appellant, which were against the women of Scheduled Caste community. The said messages, according to the Informant, hurt his religious feelings and created rift between the two communities. On the basis of the said report, crime was registered against the Appellant.

3. The Appellant had preferred Regular Bail Application

before the learned Sessions Judge vide Misc.Criminal Bail Application No.128/2025, which came to be rejected by the learned Sessions Court on 21.07.2025. Against the said order, the Appellant has approached this Court for grant of regular bail.

4. Heard the learned Advocate for the Appellant, the learned APP and the learned Advocate for Respondent No.2.

5. The learned Advocate for the Appellant submits that the Appellant has not intentionally insulted or humiliated the members of the Scheduled Caste Community and according to him, no offence is made out against him. He further submits that the Appellant was arrested on 12.07.2025 and since then he is in custody. His mobile is seized by the Investigating Officer and as such, investigation is also completed. He further submits that the Appellant is farmer by profession and his family is dependent upon him.

6. Per contra, the learned APP and the learned Advocate for the Informant strongly opposed the prayer for grant of bail to the Appellant and submits that the Appellant is involved in serious crime

against the members of Scheduled Caste Community. They also submitted that the mobile used by the Appellant is seized and the same has been forwarded to the Forensic Laboratory. The investigation as regards the instant crime is already completed and the charge sheet is likely to be filed in the near future. The learned APP also submits that the incident has caused rift between the two communities and therefore the Appellant may not be granted bail.

7. With the assistance of the respective learned Advocates and the learned APP, I have gone through the investigation papers. The record discloses that the FIR is lodged on 12.07.2025 on the basis of the report lodged by respondent No.2. Respondent No.2 is belonging to the Bauddha (बौद्ध) community having been converted from Scheduled Caste. According to the Informant, though they have been converted to Buddhist Community, still they are being considered as belonging to “*Mahar*” Caste, which is recognized as a Scheduled Caste. On 11.07.2025, the Informant found serious derogatory messages on the Instagram App, posted by the Appellant, thereby humiliating the women belonging to the Scheduled Caste category and therefore the Informant has lodged the report. The record discloses that the

investigation in this crime is almost completed and nothing is required to be seized from the Appellant. Though the Appellant has committed serious crime, however, no purpose would be served in keeping him behind the bar. Thus, the custody of the Appellant is not required and as such, his application for grant of bail can be considered at this stage by taking care of the objections raised by the learned APP.

8. Considering the above, I am inclined to grant regular bail to the Appellant in view of the following terms and conditions :-

1. The Criminal Appeal is allowed.
2. The Appellant Digambar Maroti Dhage be released on bail in connection with Crime No.149/2025, registered with Usmannagar Police Station, Dist.Nanded for the offences punishable under Sections 299 of the B.N.S. and under Sections 3(1)(r)(s) and (u) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 67 of the Information Technology Act on his furnishing PR Bond in the sum of Rs.15,000/- (Rs.Fifteen Thousand Only) with one solvent surety in the like amount.
3. The Appellant shall not try to contact any of the witnesses and shall not try to tamper them.

4. The Appellant shall co-operate with the investigation and shall remain present in the Police Station as and when called by the Investigating Officer.

5. The Appellant shall give his residential address, mobile number and all other contact details to the Investigating Officer.

9. The Criminal Appeal is disposed of accordingly.

(SUSHIL M. GHODESWAR, J.)