



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

CRIMINAL APPEAL NO. 915 OF 2024

Matinkhan Rehmankhan Pathan
VERSUS
The State Of Maharashtra And Another

Ms. A. N. Pedgaonkar, Advocate for appellant
Mr. S. B. Jadhav, APP for respondent No. 1/State

CORAM : R. M. JOSHI, J.
DATE : 15th January, 2025

PER COURT :-

1. Appellant apprehends arrest in connection with Crime No. 0559/2024 registered at Vasmat City Police Station, Dist. Hingoli for the punishable under Sections 351(2), 351(3), 352 of Bhartiya Nyaya Sanhita, 2023 and Under Sections, 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. First Information Report indicates that an incident occurred on 15.09.2024. It is alleged that when the informant along with his wife were in his house, applicant came there and abused him over his caste. He also threatened him.
3. Learned counsel for the appellant submits that there is no offence can be said to have been committed under the provisions of Atrocities Act as the incident alleged has not occurred in public view. She

placed reliance on judgment of Hon'ble Supreme Court **Hitesh Verma Vs. The State of Uttarkhand and Anr, 2020 (10) SCC 710.**

4. Learned APP and learned counsel for the informant opposed the appeal on the ground of seriousness of the crime so also raising objection about embargo created by Section 18 of the Act for granting Anticipatory Bail.

5. No doubt when prima facie offence is made out against accused, rigors of section 18 of the Act would come into play. However, in this case, as per the case of informant himself, incident has occurred inside house, thus, not in view. Hence, there is substance in the contention of the learned counsel for the appellant that the offence under the Atrocities Act may not get attracted. Having regard to the nature of allegations, for the purpose of offence under Indian Penal Code, custodial interrogation is not necessary. Hence, appeal stands allowed in terms of interim order.

(R. M. JOSHI, J.)

bsj