



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

903 CRIMINAL APPEAL NO. 328 OF 2025

Padmakar Satyanaryan Patil And Others

VERSUS

The State Of Maharashtra And Another

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WITH

CRIMINAL APPEAL NO. 315 OF 2025

Maruti Rajkumar Biradar and Ors.

VERSUS

The State of Maharashtra and Anr.

WITH

CRIMINAL APPEAL NO. 340 OF 2025

Ashok Namdev Biradar

VERSUS

The State of Maharashtra and Anr.

WITH

CRIMINAL APPEAL NO. 339 OF 2025

Ankush Dnyanoba Chamble

VERSUS

The State of Maharashtra and Anr.

Mr. Shivkumar K. Mathapati, Advocate for the Appellant in
Appeal/328/2025.

Mr. Ajinkya Reddy, Advocate for Appellant in Appeal/315/2025 and
Appeal/339/2025.

Mr. Namdev S. Shinde, Advocate for Appellant in Appeal/340/2025.

Smt. M. N. Ghanekar, APP for Respondent/State in all appeals.

CORAM : KISHORE C. SANT, J.

DATED : 17th JUNE, 2025.

P. C. :-

1. Heard learned advocates for the appellants in respective appeals, learned A.P. P. and learned advocate for respondent No. 2.

2. The appellants have approached this Court challenging an order passed by the learned Additional Sessions Judge, Udgir dated 29.04.2025 thereby rejecting the applications of the appellants therein seeking bail in the even of their arrest in connection with FIR in Crime No. 0108/2025 registered with Devani Police Station for the offence punishable under Sections 191 (1), 191 (2), 324 (4), 352, 351 (2) of Bhartiya Nyaya Sanhita, 2023 and Sections 3 (1) (t), 3 (1) (y) 3 (1) (r), 3 (1) (s), 3 (2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for the sake of brevity "Atrocities Act").

3. It is alleged that, on 31.03.2025 these persons/appellants had be to open place Devani. They uprooted a flag namely Panchsheel flag which is held in high esteem by the members of Scheduled Caste and more particularly, the persons belonging to Buddhist religion. It is alleged that, JCB of one of the appellants i.e. Ankush Chamale was used and Tractor of Ashok Namdeo Biradar was used for uprooting the flag hoisted. It is alleged that, while doing so words are uttered in the name of caste stating that, they have become arrogant. On this, FIR

was lodged. The appellants filed common application before the Sessions Court. The same came to be rejected and thus, the appellants are before this Court.

4. The learned advocate for the appellants vehemently argued that, taking the FIR as it is, no name of any person is specifically mentioned uttering the words in the name of caste. Though offence is lodged under Section 3 (1) (t) (u) & (v) of the Atrocities Act, no ingredients are attracted. The learned advocates submits that, these allegations are omnibus and general in nature. They pray for allowing the appeals.

5. The learned A.P.P. submits that, the ingredients are clearly made out, more particularly, of Section 3 (1) (t) of the Atrocities Act. The Panchsheel flag is held to be in high esteem by the members of the community. There is damage done to the said flag. This act is sufficient to attract the ingredients of the said Act. The learned A.P.P. points out that, subsequent statements are recorded.

6. The learned advocate for respondent No. 2 vehemently argued that, the offence is clearly made out. He has filed an affidavit. He submits that, there are serious after effects of this incident and now, the entire atmosphere in the village is disturbed. There is no harmony as on today in the village. There are instance of boycotting the members

of Scheduled Caste community. False complaints are also made against some persons belonging to Scheduled Caste. He thus submits that the appeals deserve to be dismissed.

7. Having gone through the FIR this Court finds that, the basic allegation is of uprooting of the Panchsheel flag and abuses in the name of caste. However, no particular name is given of any accused who exactly uttered the abuses in the name of caste. The only allegation is that the JCB of Ankush Chamle and Tractor of Ashok Namdeo Biradar is used. Another allegation is against Tanaji Prakash Patil and Gowardhan Prakash Patil that they will not allow to put a flag again in the village. The statements though recorded subsequently, however, there is again no specific action against any particular person as to who abused in the name of caste. Clauses (t) (u) and (v) of sub section (1) of Section (3) of the Atrocities Act reads as under :

3. Punishments for offences atrocities.—³[(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(a)

(b)

(c)

.....

(t) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes.

Explanation.—For the purposes of this clause, the

expression “object” means and includes statue, photograph and portrait;

(u) by words either written or spoken or by signs or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes;

(v) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;

8. From reading of the clause (t) it is seen that, at the most case can be said to be falling under clause (t), however, it is not shown that the flag is held in high esteem by the members of Scheduled Caste or Scheduled Tribe. This Court does not find that, ingredients of clauses (u) and (v) are attracted. On all these, this Court finds that, no specific offence is made out against any of the accused clearly. In view of the same this Court is inclined to allow the appeals. Hence, the following order:

ORDER

(i) The impugned order dated 29th April 2025 passed by the learned Additional Sessions Judge, Udgir is quashed and set aside.

(ii) The appellants be released, in the event of their arrest in connection with Crime No. 0108 of 2025 registered with Devani Police Station for offences punishable under Sections 191 (1), 191 (2), 324

(4), 352, 351 (2) of Bhartiya Nyaya Sanhita, 2023 and Sections 3 (1) (t), 3 (1) (y) 3 (1) (r), 3 (1) (s), 3 (2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, on bail on executing PR bond in the sum of Rs.25,000/- each with one solvent surety in the like amount on the following conditions:

- i) The appellants shall not enter in Village Konali Taluka Devani District Latur till filing of the charge-sheet except for attending the dates of the court and police station, if called.
- ii) The appellants shall give his contact details such as address and mobile number to the concerned Investigating Officer.
- iii) The appellants shall not contact the informant and any of the witnesses.
- iv) The appellants shall attend the police station as and when called by the Investigating Officer.
- v) In case of breach of any condition, their bail bond shall be liable to be cancelled.

(KISHORE C. SANT, J.)

PS.B./DAE