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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO.230 OF 2025

Chiraj s/o Sandeep Roongta,
Aged about 32 Years,
Occupation : Business,
Resident of Ganesh Nagar,
Gondia, Tahsil and District Gondia.

..... APPELLANT

// VERSUS //

1. State of Maharashtra,
Through Police Station Officer,
Police Station, Gondia City,
District Gondia.
2. Kashyap s/o Rajbaba Wasnik,
Aged about 23 Years,
Resident of Near Ambedkar Bhawan,
Marartoli, Gondia,
Tahsil and District Gondia.

.... RESPONDENTS

Mr. A. A. Naik, Senior Counsel a/b Mr. Atharva S. Manohar,
Counsel for the appellant.
Ms. H. N. Prabhu, APP for the respondent No.1 /State.
Ms. N. R. Tekade, Counsel for the respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27.06.2025

ORAL JUDGMENT :

1. Heard.
2. **Admit.**
3. By preferring this appeal under Section 14-A of the
Scheduled Castes and the Scheduled Tribes (Prevention of

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Atrocities) Act, 1989. The appellant challenges the order passed by the learned Special Judge and the District Judge -1 and Additional Sessions Judge, Gondia in Missc. Bail Application No.132/2025, rejecting the application of the present appellant for grant of bail.

4. The crime is registered on the basis of report lodged by Kashyap Rajbaba Wasnik on an allegation that the present appellant runs a business in Roongta Complex. As the appellant was undertaking to renovate the premises of his office he had asked the contractor to affix the tiles of images of deities on the walls, so as to deprive the persons from spitting on the walls. Contrary to the instructions of the appellant the contractor has affixed the tiles of image of Hindu deity including the Dr. Babasaheb Ambedkar on a platform below the wall. Upon seeing this, in the evening on 16/04/2025 the appellant had asked the concerned contractor to remove those tiles as it was not appropriate to have such images on the platform. It is alleged that the present appellant has insulted and humiliated to these images by affixing the same on the place of spitting and due to which the emotions and feelings of the community i.e. Buddha and Muslim community were affected. On the basis of the said report, police have registered the crime against the present appellant.

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5. After registration of the crime, the appellant filed an application for grant of bail before the learned Special Judge which came to be rejected.

6. Heard learned Senior Counsel for the appellant, who submitted that it is an inadvertent mistake and there was no such intention to insult or humiliate to these images. As soon as the appellant noticed the same, he immediately asked the Contractor to remove the same, so there is no question of insulting or humiliating the feelings or the emotions of any other company. As far as further incarceration of the appellant is concerned, which is not required. He has already cooperated with the investigating agency, The investigation is completed, charge-sheet is filed and further incarceration of the appellant is not required. He further submitted that except two witnesses, there is no allegation that present appellant has used any abuses to insult the persons belong to the Scheduled Caste or Scheduled Tribe.

7. Learned APP strongly opposed the same on the ground that considering the act of the present appellant to install or affix the tiles having the images of the deities, he has insulted the feelings and emotions of some communities and, therefore, the appeal deserves to be dismissed.

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8. Learned Counsel for the respondent No.2 – informant endorsed the same contentions and prayed for dismissal of the appeal.

9. On hearing both sides and perusal of the recitals of the FIR and various statements of the witnesses, it reveals that as soon as the appellant has noticed the images, he has immediately asked the Contractor to remove the same. There is some substance in the contention of the learned Senior Counsel for the appellant that it was a mistake and as soon as the mistake was noticed, immediate directions are given to the Contractor. Thus, at this stage, there is nothing on record to show that intentionally, the present appellant has affixed the tiles having images of deities or the personalities like Dr. Babasaheb Ambedkar and others. In view of that, the appellant has made out a case for grant of bail. Hence, I proceed to pass following order:

ORDER

(i) The appeal is allowed.

(ii) The order dated 23.04.2025 passed by the learned Special Judge and District Judge – 1 and Additional Sessions Judge, Gondia, in Misc. Bail Application No.132/2025 is hereby quashed and set aside.

(iii) The appellant **Chirag s/o Sandeep Roongta** shall be released on bail in connection with Crime No.274/2025 for the offence punishable under Section 299 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(s)(t) of the Scheduled Caste and Scheduled Tribes (Prevention of

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Atrocities) Act, 1989, on executing P.R. Bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

(iv) The appellant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.

(v) The appellant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

The appeal is disposed of.

(URMILA JOSHI-PHALKE, J.)