



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

CRIMINAL APPEAL NO. 452 OF 2025

Rushikesh Motiram Maske Vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. N.B.Kalwaghe, counsel for the appellants.
Ms.Mrunal Barabde, APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 02/12/2025

1. The appellant is arrested in Crime No.19/2025 registered with Police Station Ansing, Dist. Washim for the offences punishable u/s 115(2) and 118(1) of the Bhartiya Nyaya Sanhita, 2023, and u/s 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The prosecution story in short is that, on 26.01.2025 at about 5:30 p.m. the wife of the complainant went to bring grocery, at that time appellant was sitting on the way of grocery shop near bus stand. The appellant abused her in filthy language and abused her upon caste and assaulted her by fist blows and also pelted stone on her left

hand. The wife of the complainant went to the house and narrated it to her husband. Thereafter, his son asked the appellant as to why he has abused his mother upon caste and why he has beaten her. The appellant without listening to them abused informant and his son on their caste. The appellant beaten him by means of iron rod on his head and by means of iron fighter on his face, which resulted in bleeding injury. The appellant also assaulted on the neck of his son and also took bite on left cheek of his son and was trying to strangulate his neck and abused him upon the caste.

3. The learned counsel appearing for the appellant has stated that though the alleged incident took place in public, it is not in purview of public view. None of the witnesses have stated that the appellant abused the injured insulting their caste. Abusive language is not mentioned, therefore, it is not in public view and therefore the sections under the Atrocities Act will not attract. The appellant is in jail since eight months. He has not committed any offence. He is falsely implicated in this case. The injury certificate shows that all the injuries are simple in nature. The injured are discharged from hospital.

4. Learned APP has opposed the application and stated that there are antecedents against this appellant of similar nature. The appellant has relied on the judgment of the Hon'ble Apex Court in the case of ***Abhimanue Etc. Etc Vs. State of Kerala with another connected matter***, reported in ***2025 SCC OnLine SC 2037***, wherein it is observed that the presence of the antecedents of the accused cannot be the ground to reject the bail application. Hence, prayed to release the appellant on bail.

5. The learned APP opposed the appeal stating that the appellant is in habit of committing similar kind of offences. There are similar kind of offences registered against him. He has again committed the similar offence during the period of bail. The statement of the brother of the victim shows that the abuses were insulting the caste of the victim. It is in public place. The offence under the Atrocities Act will attract. Considering the nature of the offence, prayed to reject the appeal.

6. Heard both the sides and perused the record.

7. From the FIR, it appears that the reason for assault and abuse is not mentioned. None of the witnesses have stated the abusive language used by the appellant, though it is in public place, whether he has abused the victims in the

name of caste is not stated by any of the witness. It will be considered at the time of trial. At this stage, from the statement, it appears that the abusive language about insulting the caste is not mentioned and it is not under public view. On perusal of the medical reports, it appears that the simple injuries are mentioned in medical report. Considering the incarceration of this appellant since last nine months and the nature of the offence, the case is made out to release the appellant on bail. Hence, the appeal is allowed. Accordingly, I pass the following order:

- i) Appellant- Rushikesh Motiram Maske be released on bail in Crime No.19/2025 registered with Police Station Ansing, Dist. Washim for the offences punishable u/s 115(2) and 118(1) of the Bhartiya Nyaya Sanhita, 2023, and u/s 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on his furnishing PR. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.
- ii] The appellant shall not in any way tamper with the prosecution evidence.
- iii] The appellant shall not pressurize or threaten the prosecution witnesses.
- iv] The appellant shall co-operate the investigation officer.

v] The appellant shall not enter into the village Warala, during the pendency of the trial.

8. The Criminal Appeal stands **disposed of** accordingly.

9. Criminal application/s if any, is/are stand/s disposed of.

JUDGE