IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 CRIMINAL APPEAL NO. 466 OF 2026

VIKAS TANAJI HARALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Ms. Vinaya Muley Dharurkar h/f Mr. C. V. Dharurkar, Advocate for Appellant
Mr. N. R. Dayama, APP for the Respondent/State
Ms. Sarika Tekale, Advocate for Respondent No.2 (appointed)

CORAM : R. M. JOSHI, J.
DATED : 13th OCTOBER, 2026

PER COURT :-

1. Appellant seeks pre-arrest bail in connection with Crime No. 40/2026, registered with Dharashiv Rural Police Station, District Dharashiv for the offences punishable under Sections 118(2), 115(2), 189(2), 191(2), 191(3), 190 of the Bharatiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'Atrocities Act').

2. The First Information Report dated 17.02.2026 indicates that on 16.02.2026, some incident occurred in a temple in which the co-accused abused the Informant over his caste. Thereafter, an incident of assault took place in which the present Appellant is said to have assaulted the Informant.

3. Learned Advocate for the Appellant submits that there is no allegation against the present Appellant of having committed offences under Sections 3(1)(r) and 3(1)(s) of the Atrocities Act. It is her contention that there is an allegation with regard to the assault; however, simple injuries have been caused and, as such, this is not a case warranting custodial interrogation of the Appellant. It is her further contention that there is *prima facie* nothing on record to indicate that all the accused persons, with their common intention, have committed the crime in question.

4. Learned APP and learned Advocate for the Informant opposed the grant of any relief to the Appellant. In support of their submissions, they drew the attention of the Court to the First Information Report and the allegations made therein. According to the learned Advocate for the Informant, these allegations are supported by statements of independent witnesses recorded during the course of investigation. According to them, having regard to the fact that all the accused persons assaulted the Informant after the Informant was abused by the co-accused over his caste, this is not a case for grant of pre-arrest bail to the Appellant. Learned Advocate for the Informant referred to the embargo created by Section 18 of the Atrocities Act.

5. *Prima facie*, perusal of the record does not indicate the commission of any offence punishable under Sections 3(1)(r) and 3(1)(s) of the Atrocities

Act by the present Appellant. Such allegations are against the co-accused Suhas. *Prima facie*, this Court finds substance in the contention of the learned Advocate for the Appellant that it would be difficult to attribute a common intention to all the accused persons to abuse the Informant. Merely because an incident of a fight takes place thereafter, no such common intention can be attributed to them insofar as the offences under the Atrocities Act are concerned. In the considered view of this Court, therefore, the embargo created by Section 18 of the Atrocities Act has no application to the present case. Having regard to the fact that simple injuries have been caused to the Informant, an appropriate direction to the Appellant to appear before the Investigating Officer would be sufficient for the purpose of investigation. Hence, the order.

ORDER

(i) Appeal is allowed.

(ii) In the event of arrest of Appellant in connection with Crime No. 40/2026, registered with Dharashiv Rural Police Station, District Dharashiv for the offences punishable under Sections 118(2), 115(2), 189(2), 191(2), 191(3), 190 of the Bharatiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

(iii) He shall not contact the witnesses directly or indirectly.

(iv) He shall not interfere with the evidence in any manner

whatsoever.

(v) He further directed to cooperate the investigating agency for further investigation.

(vii) He shall appear before the Investigating Officer on 16.10.2026 and 19.10.2026 between 11.00 a.m. to 1.00 p.m. and thereafter as and when called by the Investigating Officer on written intimation.

6. Learned APP for the Respondent/State to communicate this order to the concerned Police Station.

7. The fees of the appointed learned Advocate is quantified at Rs. 7,500/-.

(R. M. JOSHI, J.)

ssp