



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

CRIMINAL APPEAL NO.89 OF 2026

Deepak Dadarao Ghayal,
Age-41 years, Occu-Labour,
R/o. Anandgaon, Tq. Majalgaon,
Dist. Beed

...APPLICANT
[Informant]

VERSUS

1. Suresh Shivaji Pujari,
Age-38 years, Occu-Agril,
R/o. Anandgaon, Tq. Majalgaon,
Dist. Beed

[Ori. Accused]

2. The State of Maharashtra,
through P.I. Police Station Dindrud,
Tq. Majalgaon, Dist. Beed.

...RESPONDENTS

**WITH
CRIMINAL APPEAL NO.90 OF 2026**

Deepak Dadarao Ghayal,
Age-41 years, Occu-Labour,
R/o. Anandgaon, Tq. Majalgaon,
Dist. Beed

...APPLICANT
[Informant]

VERSUS

1. Yuvraj Padmakar Solanke,
Age-25 years, Occu-Agril,
2. Bhagwat Chhagan @ Shivaji Thavare,
Age-25 years, Occu-Agril,
3. Girish Manik Thavare,
Age-45 years, Occu-Agril,
4. Padmakar Shrikrushna Solanke
Age-47 years, Occu-Agril,

5. Gajanan Narendra Pujari,
Age-25 years, Occu-Agril,

All are R/o. Anandgaon, Tq. Majalgaon,
Dist. Beed

[Ori. Accused]

6. The State of Maharashtra,
through Police Station Dindrud,
Tq.Majalgaon, Dist. Beed.

...RESPONDENTS

**WITH
CRIMINAL APPEAL NO.91 OF 2026**

Deepak Dadarao Ghayal,
Age-41 years, Occu-Labour,
R/o. Anandgaon, Tq. Majalgaon,
Dist. Beed

...APPLICANT
[Informant]

VERSUS

1. Manoj Balasaheb Thavare,
Age-30 years, Occu-Agri,
2. Bhagwat Janardhan Ughade,
Age-27 years, Occu-Agri,
3. Mauli Bhibishan @ Tukaram Thavare,
Age-38 years, Occu-Agri,

All are R/o. Anandgaon, Tq. Majalgaon
Dist. Beed

...Ori. Accused
Nos. 1 to 3

4. The State of Maharashtra,
Through Police Station Dindrud,
Tq. Majalgaon, Dist. Beed

...RESPONDENTS

WITH

CRIMINAL APPEAL NO. 93 OF 2026

Deepak Dadarao Ghayal,
Age-41 years, Occu-Labour,
R/o. Anandgaon, Tq. Majalgaon,
Dist. Beed

...APPLICANT
[Informant]

VERSUS

1. Ganesh Keshavrao Dake,
Age-36 years, Occu-Service
2. Sharad Bandu @ Dagadu Thavare,
Age-22 years, Occu-Agri,

All are R/o. Anandgaon,
Tq. Majalgaon, Dist. Beed

...Ori. Accused

3. The State of Maharashtra,
Through PI Police Station Dindrud,
Tq. Majalgaon, Dist. Beed

...RESPONDENTS

Mrs. V. M. Barlikar, Advocate for the Appellant in all Appeals
Mr. V. S. Badakh, APP for the respondents/State in all Appeals
Mr. P. D. Wakhare, Advocate h/f Mr. Rohit Narwade, Advocate for the
Respondent No. 1 in Apl/89/2026
Mr. P. D. Wakhare, Advocate h/f Mr. Rohit Narwade, Advocate for the
Respondent Nos. 1 to 5 in Apl/90/2026
Mr. S. E. Shekade, Advocate & Mr. Vishal Thaware, Advocate for the
Respondent Nos. 1 & 3 in Apl/91/2026
Mr. R. M. Bhagwat, Advocate h/f Mr. V. A. Solanke, Advocate for the
Respondent No.2 in Apl/91/2026
Mr. S. E. Shekade, Advocate & Mr. Vishal Thaware, Advocate for the
Respondent Nos. 1 & 2 in Apl/93/2026

CORAM : ABHAY J. MANTRI, J.

DATE : 29th APRIL, 2026

JUDGMENT :

1. The Appellant/original informant questions the four separate orders dated 27-11-2025, passed in four different Criminal Bail Application Nos. 431/2025, 430/2025, 432/2025 & 420/2025 by the learned Special Judge [Atrocities Act], Majalgaon, thereby granted bail to the Respondents in connection with the Crime No. 287/2025, registered with the Dindrud Police Station, Tq. Majalgaon, Dist. Beed for the offences punishable under Sections 109(1), 189(2), 190, 191(2), 191(3), 118(1), 118(2), 352, 351(3), 324(6) of the Bhartiya Nyaya Sanhita [for short '*the BNS*'] and under Sections 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act [for short '*the Atrocities Act*'] has preferred these Appeals.

2. Learned Advocate for the Appellant vehemently contended that the learned Sessions Judge [Atrocity Act], Majalgaon, has not considered the FIR, police papers, case papers and statements of the witnesses in their proper perspective and erred in observing that the allegations made therein against the Respondents are vague, general and omnibus in nature. Therefore, she submitted that the

impugned orders are required to be quashed and set aside.

3. During the argument, she has taken me through the FIR as well as the statements of the witnesses and submitted that the allegations in the FIR categorically indicate that the offences under the provisions of the Atrocities Act are attracted in the present crime. Therefore, passing of the orders by the learned Special Judge is contrary to Section 18 of the Atrocities Act and liable to be quashed and set aside.

4. To buttress her submissions, she has relied upon the judgments of the Hon'ble Supreme Court in *Kiran Vs Rajkumar Jiveraj Jain and Anr.* in Special Leave Petition (CRL) No. 8169/2025 dated 01-09-2025. She pointed out para no. 9 of the said judgment and propounded that the learned Special Judge disregard the law laid down in the above judgment and overlooked the bar under Section 18 of the Atrocities Act, and granted the anticipatory bail, which was a clear illegality and jurisdictional error committed by the learned Special Judge and therefore, the orders passed by the learned Special Judge could not be sustainable in the eyes of law. Hence, she urged that the Appeals be allowed.

5. Learned APP has pointed out FIR, statements of witnesses, namely Dadarao, Sanjivini and Tukaram from the Charge-

sheet, and submitted that all have categorically stated that all the Respondents in chorus have abused the Informant. He also drew my attention to the injury certificate of the Informant Deepak and submitted that five injuries have been sustained to the Informant, and injury No.2 is a grievous injury, i.e. fracture of the 6th and 7th ribs on the right side. However, the learned APP fairly submitted that, over the telephone, the Investigating Officer instructed that the investigation into the present crime has been completed and he had recovered both weapons; nothing remains to be recovered. He will file the charge sheet within a week. Therefore, the learned APP supported the learned Advocate for the Appellant's contention.

6. On the other hand, the learned Advocates for the Respondents strenuously opposed the Appeals on three grounds. Firstly, it is contended that the allegations in the FIR and the statements of the witnesses are vague, general and omnibus. It does not appear from the FIR or the statements of the witnesses who abused a caste slur at the Informant, but the allegations in the FIR, as well as the statements of witnesses against all, are in chorus. Therefore, it cannot be said that the informant was abused with a caste slur. Hence, the offence under the provisions of the Atrocities Act would not be attracted against the Respondents.

7. The second point raised by the learned Advocates for the Respondents is that the incident occurred on 19th & 20th October, 2025. The informant was discharged from the hospital on 25-10-2025. However, the FIR was lodged on 12-11-2025. The Informant has not explained the reason for the delay in lodging the FIR. *Thirdly*, they argued that a civil dispute is ongoing between the parties, and they drew my attention to the FIR lodged by the accused No.11, Gajanan, against the Informant and ten others; therefore, they submitted that in such eventualities, custodial interrogation of the Respondents is not required. Therefore, they submitted that the passing of the impugned orders are just and proper and no interference is required.

8. To buttress their submissions, they have relied upon the judgments of the Hon'ble Supreme Court and this court and drew my attention to relevant paras in

(i) *Dada @ Anil S/o. Navnath Murkute Vs The State of Maharashtra in Criminal Appeal No. 351/2020 dated 10-08-2020*, and (para 21).

(ii) *Hitesh Verma Vs State of Uttarakhand and Another*, (2020) 10 SCC 710, (para Nos. 11 to 25.)

(iii) In *Punjabrao Wasudeo Kokate and others Vs state of Maharashtra in Criminal Appeal No.464/2023 with connected Appeals*

(para No.11 and 12).

(iv) In Sumit Subhaschandra Gangwal V/s The State of Maharashtra & Anr., SLP. No. 3561/2023.

9. Therefore, they submitted that no prima facie case is made out against the Respondents to attract the provisions of the Atrocities Act, and that no custodial interrogation is required. Hence, they urged the dismissal of the Appeals.

10. Having heard the rival submissions of the parties and having gone through the case papers/police papers, record and the judgments relied on by the learned Advocates for the respective parties, at the outset, it appears that on 19th & 20th October, 2025, the incidents occurred at Anandgaon, Village Majalgaon, Dist. Beed. The Informant lodged the report against the Respondents on 12-11-2025. Similarly, the accused No.11 lodged a report against the Informant and 10 to 12 others on 14-11-2025. It also appears from the submissions of the learned Advocate for the Appellant that all the accused persons in the crime No. 288/2025 are released on anticipatory bail, granted by the learned Special Judge, Majalgaon. Similarly, the learned Special Judge granted bail to all the Respondents/accused in Crime No. 287/2025 on 27-11-2025, and against the said orders, the Appellant has preferred these Appeals.

11. It is pertinent to note that during the argument, the learned APP fairly submitted that the Investigating Officer has already recovered both the weapons used in the crime from the accused persons. Similarly, the investigation is completed, and within a week, he will file the charge sheet in the Court. The said submissions themselves indicate that custodial interrogation of all the accused is not required in the present crime.

12. It also reveals that a civil dispute is going on between the Informant and others on account of the erection of the shed over the land of Accused Gajanan Pujari. According to the accused persons, a shed was erected in their land, and according to the Informant and others, a shed was erected on the road, as submitted by the learned Advocate for the Appellant. It also appears that the incident occurred on 19th and 20th October, 2025. However, the FIR was lodged on 12-11-2025. The Informant failed to give a sufficient explanation for lodging the FIR belatedly.

13. Next and most important question is, while dealing with the controversy between the parties, whether the provisions of the Atrocities Act are attracted in the present crime against the Respondents or not has to be considered. Perusal of the FIR and statements of the witnesses appears that the Informant and all the

witnesses in their complaint and the statements have categorically stated that “*all the accused persons came on the spot of the incident holding the wooden sticks, iron rods [tambi] and assaulted the Informant*”. The complaint, as well as statements of the witnesses, only denote that all the accused persons abused the Informant with a caste slur in *chorus*. It is unclear from the complaint as well as the statements of the witnesses which of the accused used a caste slur against the Informant. But the allegations in the FIR, as well as the statements of the witnesses, appear vague, general, and omnibus.

14. Learned Advocate for the Appellant submitted that she has received the information from the Informant that the accused Suresh was abusing him with a caste slur. Had it been the case, then why had the informant not stated the same in the complaint/ FIR and that itself indicates that said information received by the learned Advocate for the Appellant itself shows that other accused persons did not abuse him with a caste slur, or it can be inferred that other persons did not abuse the informant with a caste slur. Moreover, neither the informant in his complaint nor the witnesses have stated that the accused Suresh abused the informant with a caste slur.

15. Apart from the above, if the allegations in the FIR, as well as statements of the witnesses, are taken at their face value and

accepted against the accused persons in their entirety, they do not prima facie demonstrate that they abused the informant categorically with a caste slur to attract the provisions of the Atrocities Act. Therefore, in my view, the bar under Section 18 of the Atrocities Act would not apply against the Respondents.

16. The second question that arose for consideration is whether they have assaulted the informant, as he belongs to the SC & ST category. Prima facie, it appears from the injury certificate that five injuries were sustained to the Informant by means of an iron bar/rod and a stick. However, there are no specific allegations against the accused persons that they have assaulted the Informant, as he belongs to the SC & ST category, or with a view to humiliating, insulting, or intimidating him within public view. Therefore, though he has sustained injuries that prima facie do not attract the ingredients of Sections 3(1)(r) and 3(1)(s) of the Atrocities Act.

17. The third question that emerges is that, according to the learned Advocate for the Appellant as well as the learned APP, the offence is a serious one, and the Informant has sustained grievous injury and therefore, Section 109 of the BNS is attracted against the Respondents. However, the learned Special Judge has not considered the same and has therefore urged that the bail granted to the

Respondents be quashed and set aside. While dealing with the said issue, it would be appropriate to mention that the learned APP fairly submitted that the Investigating Officer has recovered both the weapons used in the present crime, the victim has been discharged from the hospital, the investigation is completed, and within a week, he will file the charge-sheet in the Court. As such, on that ground alone, the custodial interrogation of the Respondents is not required in the present crime.

18. *Besides*, the Appellant has not raised the said ground in the Appeal memo for cancellation of the bail under Section 109 of the BNS. Apart from that, it appears there was a delay of more than 20 days in lodging the FIR, which the informant did not properly explain at the time of lodging the report. In addition, it appears that the Informant and his associates, who are accused in a cross-complaint, i.e. in Crime No. 288/2025, were released on anticipatory bail. Allegations against them are of a similar nature in the said crime; an offence was also registered under Section 109 of the BNS against the Appellant and others. In such eventualities, I do not find substance in the contention of the learned Advocate for the Appellant and the learned APP to cancel the bail for the offences punishable under Section 109 of the BNS.

19. Perused the judgment in *Kiran* [supra] wherein the facts were that in the FIR, it was categorically averred that the accused therein abused the informant with a caste slur. The name of the accused was specifically stated to have assaulted him and was specifically mentioned in the FIR; therefore, the Hon'ble Apex Court has held that the provision under Section 18 would be attracted in the said crime. However, in the case at hand, there are no specific allegations against any particular accused person that they have abused the informant with a caste slur. Still, the allegations against the accused persons are vague, general, and omnibus, and in chorus, which would not indicate that any particular accused has abused the informant. Therefore, it is very difficult to infer who abused the informant with a caste slur. In such circumstances, in my view, the law laid down in *Kiran* (supra) is hardly any assistance to the Appellant in support of his contention.

20. In *Sumit* (supra), the Hon'ble Apex Court, while dealing with the question of granting ad interim protection, in para No.2, has carved out three factors while granting bail. Those are as follows:-

(i) That it was a cross case arising out of civil dispute.

(ii) Prima facie there was no material to show that the provisions of [Scheduled Castes and Scheduled Tribes \(Prevention of Atrocities\) Act, 1989](#), were invoked.

(iii) That the incident was alleged to have been taken place on 17.02.2022 and the FIR was lodged on 23.02.2022, as such there was a delay of six days in lodging the FIR.

21. In the case at hand, as per the rival contention, there appears to be a civil dispute regarding the erection of the shed. *Secondly*, there is a delay of more than 20 days; *thirdly*, the allegations against the accused persons are vague, general, and omnibus. Therefore, as observed above by the Hon'ble Supreme Court in *Sumit*, in my opinion, the accused persons are entitled to the protection granted by the learned Special Judge.

22. I would like to reproduce para 21 of the judgment in the Criminal Appeal No.351/2020 [*Dada @ Anil navnath Murkute Vs The State of Maharashtra*] dated 10-08-2020, wherein this Court has referred para 11 in *Vasantrao Vs State of Maharashtra* as under:

21. This Court, in case of Vasantrao Vadgir Vs. The State of Maharashtra, reported in 2020 ALL MR (Cri)365, in para 11 of the judgment observed thus:

11. Moreover, in order to attract the offence under Section 3(1)(r)(s) of the Act of 1989, it is essential to demonstrate that the appellants committed the present crimes under the Act of 1989, not being members of the Scheduled Caste or the Scheduled Tribe. The opening sentence of Section 3(1) of the Act, 1989, itself shows, "whoever not being a member of the Scheduled Caste or the Scheduled Tribe". It means that there must be prima facie affirmation or say in the FIR/complaint that the appellants-accused are not members of the Scheduled Caste or the Scheduled Tribes. In the instant case, there are no whispers or averments in the FIR that Appellants are not members of the Scheduled Castes or the Scheduled Tribes, or that they are from a higher caste. There is also no reference in the FIR that the

appellants-accused were aware or that they had knowledge about the caste of the first informant. These are the primary ingredients of offence under Section 3(1) of the Act of 1989 for appreciation at this initial stage relating to the grant of relief of pre-arrest bail under Section 438 of Cr. P.C.”

23. In **Hitesh** [Supra], there was a dispute about possession of the land. Therefore, the Hon’ble Supreme Court in paras 11 to 25 dealt with the same. In **Punjabrao** [supra], this Court has observed that “*it is well settled that a mere reference of the caste by the accused persons to the informant or other prosecution witnesses is not sufficient to attract the provision of the Atrocities Act. There should be an intention to humiliate, insult or intimidate the Informant in public view, which is a basic ingredient to attract the provisions of the Atrocities Act.*”

24. Thus, having considered the above discussion as well as the law laid down in the above-cited judgments, as well as the fact that prima facie the allegations in the FIR and the statements of the witnesses are vague, general and omnibus in respect of the allegations of abuse of the informant with a caste slur. No specific allegations appear against any one of the accused persons that he has abused the informant with caste slur or assaulted him with a view to humiliate, insult or intimidate the Informant in public view and therefore, prima facie in my view, the provisions of the Atrocities Act are not attracted

against the accused persons. Therefore, the observations made in the judgments relied upon by the Appellant are hardly of any assistance to him in support of his contentions. Consequently, the question of a bar under Section 18 of the Atrocities Act does not arise, and the recovery of the weapons from the accused persons during the investigation, prima facie, does not require custodial interrogation of all of them in the present crime. In light of the above discussion, I do not find merit in these Appeals, nor do I find merit in interfering with them.

25. That being so, the Appeals being bereft of merit stand dismissed. No order as to cost.

[ABHAY J. MANTRI, J.]

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