



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

CRIMINAL APPEAL NO. 508 OF 2025

Sunny Ramkisan Shinde
Age: 26 years, Occ. Agriculture,
R/o. Pandit Nagar, Nagar Road,
Beed, Tq. & Dist. Beed.

.... **APPELLANT**

V/s.

1. The State of Maharashtra,
Through Officer in Charge
Police Station Beed (Rural),
Dist. Beed.
2. The Superintendent of Police,
Beed, Dist. Beed.
3. Avinash Anurath Sable
Age: 35 years, Occu. Business,
R/o Palwan, Tq. & Dist. Beed.

.... **RESPONDENTS**

**AND
CRIMINAL APPEAL NO. 697 OF 2025**

Akshay s/o Rangnath Sakhre,
Age: 31 years, Occ. Labour,
R/o. Chaus Colony, Balepeer,
Beed, Tq. & Dist. Beed.

.... **APPELLANT**

V/s.

1. The State of Maharashtra,
Through Dy. Superintendent of Police,
Sub-Division, Beed, Dist. Beed.
2. Avinash Anurath Sable
Age: 35 years, Occu. Business,
R/o Palwan, Tq. & Dist. Beed.

.... **RESPONDENTS**

.....

Advocate for the Appellant in Appeal/508/25 : Mr. Sudarshan Salunke
Advocate for the Appellant in Appeal/697/25 : Mr. A.R. Hange
APP for Respondent/State : S/Shri P.M. Kulkarni & Mr. R.D. Raut
Advocate for the Resp. No.3 in Appeal/508/25 : Ms. Sunita Sonawane
Advocate for the Resp. No.2 in Appeal/697/25 : Mr. Rakesh Brahmkar
(Appointed through Legal Aid)

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CORAM : Y.G. KHOBRADE, JJ.
RESERVED ON : 17.02.2026
PRONOUNCED ON : 23.02.2026

ORDER :-

1. In Appeal No.508/2025, the appellant/accused takes exception to the order dated 30.06.2025 passed by the learned Additional Sessions Judge, Beed in Criminal Bail Application No.594/2025 arising out of Crime No.153/2025 registered with Beed Rural Police Station.
2. In Appeal No.697/2025, the appellant/accused takes exception to the order dated 02.08.2025 passed by the learned Additional Sessions Judge, Beed in Criminal Bail Application No.710/2025 arising out of Crime No.153/2025 registered with Beed Rural Police Station.
3. In both these appeals, the appellants/accused have prayed for anticipatory bail in connection with Crime No.153/2025 registered with one and the same police station, therefore, both these appeals are being heard together.

4. Having regard to the submissions canvassed on behalf of both the sides, I have gone through the record. On the face of record, the respondent/informant lodged an oral report on 29.05.2025 alleging that, on 26.05.2025 at about 9.30 pm to 10 pm., when he was closing his hotel at that time the accused- Akshay Rangnath Sakhare (the appellant in criminal appeal no.697/2025), Sunny Ramkisan Shinde (the appellant in criminal appeal no.508/2025) and their associates namely Sandip @ Gajanan Balasaheb Dahiphale and Satish Rakte visited at his hotel and all of them were taking meals. The appellants/accused and other co-accused demanded Bisleri water bottle from the informant which he provided. After the meal all of them visited at the counter of the hotel and on seeing portrait of Shivaji Maharaj, the accused hurled abuses on his caste by saying that, he is not worthy for putting the portrait of Shivaji Maharaj and he is not worthy to run the hotel. Thereafter, the appellants and other accused persons assaulted him with fists and blows. So also, they beat his brother with wooden log and uttered the words ‘ महारा तुझी हॉटेल चालवाची सुध्दा लायकी नाही ’. Thereafter, his cousin brother intervened in the quarrel and pacified them. As the Respondent/informant and his brother sustained injuries they were hospitalized at Government Hospital, Beed. On the basis of said report, Crime No.153/2025 was registered with Beed Rural Police Station for the offence punishable under Section 118(2), 115(2), 352,

351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita 2023 and under Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. The appellant/accused in appeal no.508/2025 filed Criminal Bail Application No.594/2025 and prayed for anticipatory bail. On 30.06.2025, the learned Additional Sessions Judge-1/Special Court passed the impugned order and declined to grant anticipatory bail to him. In Criminal Appeal No.697/2025, the appellant/accused filed Criminal Bail Application No.710/2025 seeking anticipatory bail, however, on 02.08.2025, the learned Additional Sessions Judge-1, Beed passed the impugned order and rejected the application for anticipatory bail. Therefore, both these appeals are filed seeking anticipatory bail in connection with Crime No.153/2025 registered with Beed Rural Police Station.

6. The learned counsels appearing for the appellants/accused in both these appeals vehemently canvassed that, as per the contents of FIR, the present appellants/accused abused the respondent/informant on his caste in chorus, however, abusement on caste in chorus is not possible at the hands of all the accused including the present appellants. Further, the Respondent/informant has not specifically named any particular accused

hurling abuse on his caste. It is further contended that, the appellants/accused have not hurled castiest slur with an intention to cause damage to the reputation of the respondent/informant.

7. It is further canvassed that, as per the contents of the FIR, the appellants/accused allegedly visited the hotel of respondent/informant at about 9.30 pm to 10.00 pm and after the meal they allegedly abused the respondent/informant on his caste. However, contents of the FIR does not depict that the accused persons abused the respondent/informant on caste in public view. Further, the co-accused Sandip @ Gajanan Balasaheb Dahiphale was arrested and he was released on bail. The Investigating Officer visited the spot of incident and drawn Spot Panchnama and seized crime weapon wooden log. Therefore, custody of the present appellants is not required for any interrogation purpose, hence, prayed for anticipatory bail.

8. It is further canvassed that, the informant/respondent has not specifically stated as to which of the accused hurled abuses on his caste, however, the allegation is about abusement on caste by the appellants/accused and co-accused in chorus which is highly impossible. In support of these submissions, the learned counsel appearing for the appellants/accused placed reliance on the judgment dated 29.11.2024

passed in **Criminal Appeal No.566/2021 (Vishal s/o Badrinath Wadekar V/s. State of Maharashtra & Ors.)** at **Nagpur Bench** of this Court, wherein it has been held that, to constitute the offence punishable under Section 3(1) (u) of the Atrocities Act will come into play only when any person is trying to promote ill-will or enmity or hatred against members of the Scheduled Castes and the Scheduled Tribes and there was delay of five months in lodging the report.

9. It further relied on the case of **Vijaymala w/o Tanaji Dolare & Ors. V/s. The State of Maharashtra & Anr.**; 2020 ALL MR (Cri) 1835, wherein, this Court considered cases of **Shashikant Ramhari Tambe & Ors. V/s. State of Maharashtra**; 2008 ALL MR (Cri.) 1232; **Mukesh Kumar Saini V/s. State (Delhi Administration)**; 2002 ALL MR (Cri.) Journal 41 and **Sugriv Prakash Garde & Ors. V/s. The State of Maharashtra and Anr.** decided on 09.06.2026 in Criminal Application No.2848/2016, wherein it has been observed that, there must be specific accusations against each of the accused and Section 34 of IPC cannot be pressed into service. Omnibus statement that all the accused persons uttered allegedly humiliating word may not be enough. Therefore, considering the observation made in the case of **Shashikant Ramhari Tambe** cited (supra), this Court held that,

definitely it is not possible to hurl abuses in chorus and they can be given benefit of the decision in **Shashikant Tambe's**, supra.

10. The learned counsel appearing for the appellants/accused further relied on **Balkrushna Uttamrao Mule V/s. State of Maharashtra; AIR OnLine 2022 Bom. 742**, wherein the Division Bench of this Court observed as under :

“13. Thus, on carefully examining the FIR discussed above, prima facie it is seen that in spite of some occurrence taking place on 24-07-2019, there was no prompt reporting of the same for the reasons best known to the informant. Even occurrence which allegedly took place on 26-07-2019 is reported on the next date i.e. on 27-07-2019. It is also emerging that threats and utterance on caste abuse are apparently attributed to all the three applicants at one and the same time. It is difficult to comprehend as to how three persons in one go, at one and the same time, could in-chorus use identical words for abusing the informant on caste basis. Secondly, statements recorded under Section 161 of Cr.P.C. of various villagers also show that there was no alleged occurrence between informant and applicants accused at all. FIR is also silent about the said occurrence to be taking place in presence of anybody else. All such factors, coupled with existing civil dispute, go to show that there is substance in the submission made by learned Advocate for applicants herein that FIR is motivated one.”

11. The prosecution has filed Reply/Affidavit of Ms. Pooja Vitthal Pawar, SDPO, Beed. According to the Investigating Officer, the present

appellants/accused along with other co-accused visited the hotel of respondent/informant for taking meal and demanded water bottle. After the meal, the present appellants/accused and co-accused visited at the counter of hotel for payment of bill but on seeing the portrait of Shivaji Maharaj at the counter they abused the informant on his caste by saying that, he is not worthy for putting portrait of Shivaji Maharaj and he is not worthy to run the hotel. Thereafter, the appellants and the other co-accused assaulted the respondent/informant with fists and blows and also beat the informant and his brother with wooden log. Therefore, custodial interrogation of the appellants/accused is necessary for seizure of crime weapon wooden-log and if the appellants/accused are released on anticipatory bail, there is every possibility of them tampering the evidence and witnesses, hence, prayed for dismissal of both the appeals.

12. It is further canvassed on behalf of the respondent that, the incident has occurred on 26.05.2025 at about 9.30 pm to 10.00 pm in the hotel of respondent/informant. The Hotel is a public place and they abused respondent/informant on caste within the public view and also assaulted with wooden log and on the same day, the respondent/informant and his injured brother were hospitalized in Government Hospital. Since the abusement on caste has occurred within the public view, therefore, under

Section 18 of the SC-ST Act, a bar is created to enlarge the appellants/accused on anticipatory bail under Section 438 of the Cr.P.C.

13. It is further canvassed that the incident has occurred on 26.05.2025 at about 9.30 pm to 10.00 pm and on the same day, the respondent/informant and his brother were hospitalised. On next day, the respondent/informant were discharged. Thereafter, he visited Beed Rural Police Station to lodge the FIR on 27.05.2025, however, no FIR was registered. Therefore, on 29.05.2025, the respondent/informant visited the office of the Superintendent of Police, Beed and lodged the report for the incident occurred on 26.05.2025. Therefore, the respondent/informant explained the delay caused while lodging the FIR, hence, prayed for dismissal of both these appeals.

14. The appellants/accused have produced the copy of remand in respect of accused- Sandip @ Gajanan Balasaheb Dahiphale, who was arrested on 30.05.2025 at about 19.19 hours. The said accused was produced before the Magistrate and he was remanded in MCR. It is not disputed by the respondent that the accused Sandip @ Gajanan Balasaheb Dahiphale was released on regular bail in Crime No. 153 of 2025.

15. On perusal of remand papers it appears that, the Investigating Officer visited at the spot of the incident and had drawn spot panchanama. So also, he seized the wooden log from the spot. The respondent/informant or his brother has not disclosed in the FIR about use of more than one wooden log by the accused persons. Therefore, as on today nothing has remained to be seized from the appellants/accused.

16. In the case of **Kiran Vs. Rajkumar Jivraj Jain & Anr.; 2025 SCC Online SC 1886**, the Hon'ble Supreme Court considered the following cases:

- (i) Vilas Pandurang Pawar-V-State of Maharashtra, (2012) 8 SCC 795;*
- (ii) Prathvi Raj Chavan-Vs- Union of India, (2020) 4 SCC 727,*
- (iii) Shajan Skaria-Vs- State of Kerla, 2024 SCC OnLine SC 2249,*
- (iv) State of M.P. Ram Krishna Balothia & Anr., (1995) 3 SCC 221,*
- (v) Kartar Singh-Vs-State of Punjab, (1994) 3 SCC 569,*
- (vi) Hitesh Verma-Vs- State of Uttarakhand (2020) 10 SCC 710;*
- (vii) Ramesh Chandra Vaish-Vs- State of U. P.(2023) SCC OnLine SC 668*
- (viii) Karuppudayar-Vs- State Rep., by the Dy. Supdt. Of Police, Lalguid Trichy & ors., 2025 SCC OnLine SC 2015 and observed in paragraph Nos. 6 to 9 as under :*

“6. The learned counsel appearing for the appellants further canvassed that, Shri Gautam Bhalerao had lodged a report on 14.09.2022 against

the present appellant no.1 and another accused reserve alleging about abusement on his caste. However, after conclusion of the trial, the Special Court passed the judgment and order on 30.01.2024, and acquitted the present appellant no.1/accused and others for the offence punishable under Section 504 and 34 of the Indian Penal Code and under Sections 3(1)(x), 3(1)(v), 3(1)(iv) of the Atrocities Act. However, again respondent no.3, who is not concerned with the said plot lodged a false report in question, though the appellants were not present at the spot of incident as alleged by respondent no.3 and on the basis of said false report the Crime No.718 of 2025 was registered against the present appellants/accused.

7. It is further canvassed that, on 22.11.2025 the present appellant no.1- Shaikh Anis Shaikh Ibrahim lodged First Information Report alleging that, on 22.11.2025, at about 2.00 a.m., he observed CCTV footage on his mobile phone about visit of one Dharmapriya Bhalerao, Buddhpriya Bhalerao and Atul Sarode alongwith five to six other persons in an auto rickshaw in front of his Hotel and when he visited there, the accused persons issued life threats to him. So also, the accused cut lock of shutter and illegally entered in his hotel and took away Rs.1,800/- from his hotel. However, on 22.11.2025, the 7 937 cri apeal 934.25 reserve respondent no. 3/informant lodged First Information Report No. 718 of 2025 (for short "the FIR"), which is a counter blast FIR to the FIR bearing No.715 of 2025 lodged by him. Therefore, the learned Counsel appearing for the appellants/accused canvassed that the incident which has been narrated in the FIR No. 718 of 2025 is false and the accused persons never abused the respondent no.3/ informant on his caste and no such incident occurred, therefore, the appellants are entitled for anticipatory bail.

8. It is further canvassed that the appellant no.3 is a married lady having sucking child. The appellant nos.1 and 2 are respectable

persons in the society. The appellants are ready and willing to co-operate with the Investigating Officer and nothing remained to be seized from these appellants. Further, the incident narrated in FIR No.718 of 2025 has not occurred within the public view, therefore, Section 18 of the Atrocities Act does not create bar under Section 438 of the Code of Criminal Procedure to enlarge the appellants/accused on anticipatory bail.

9. In support of these submissions, the learned counsel placed reliance on the case of Hitesh Warma Vs. The State of 8 937 cri appeal 934.25 reserve Uttarakhand, AIR 2020 SC 5584, wherein, the Hon'ble Supreme Court held as under :

"15. As per the FIR, the allegations of abusing the informant were within the four walls of her building. It is not the case of the informant that there was any member of the public (not merely relatives or friends) at the time of the incident in the house. Therefore, the basic ingredient that the words were uttered "in any place within public view" is not made out. In the list of witnesses appended to the charge-sheet, certain witnesses are named but it could not be said that those were the persons present within the four walls of the building. The offence is alleged to have taken place within the four walls of the building. Therefore, in view of the judgment of this Court in Swaran Singh, it cannot be said to be a place within public view as none was said to be present within the four walls of the building as per the FIR and/or charge-sheet.

16. There is a dispute about the possession of the land which is the subject matter of civil dispute between the parties as per respondent No.2 herself. Due to dispute, appellant and others were not permitting respondent No.2 to cultivate the land for the last six months. Since the matter is regarding possession of property pending before the Civil Court, any dispute arising on account of possession of the said property would not disclose an offence under the Act. reserve unless the victim is abused, intimated or harassed only for the reason that she belongs to Scheduled Caste or Scheduled Tribe,

17. In another judgment reported as Khuman Singh v. State of Madhya Pradesh this Court held that in a case for applicability of Section 3(2)(v) of the Act, the fact that the deceased belonged to Scheduled Caste would not be enough to inflict enhanced punishment. This Court held that there was nothing to suggest that the offence was committed by the appellant only because the deceased belonged to Scheduled Caste. The Court held as under:

"6 2019 SCC On Line SC 1104 : (AIR 2019 SC 4030)

"15. As held by the Supreme Court, the offence must be such so as to attract the offence under Section 3(2) (v) of the Act. The offence must have been committed against the person on the ground that such person is a member of Scheduled Caste and Scheduled Tribe. In the present case, the fact that the deceased was belonging to "Khangar"-Scheduled Caste is not disputed. There is no evidence to show that the offence was committed only on the ground that the victim was a member of the Scheduled Caste and therefore, the conviction of the appellant-accused under Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not sustainable."

18. Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out".

17. Mr. Salunke the learned counsel appearing for the appellant in Criminal Appeal No.508/2025 relied on the case of **Lala Shri Bhagwan and Anr. V/s. Ram Chand and Anr.; Air 1965 SCC 1767**, wherein the Hon'ble Supreme Court observed as under:

“16. We have already indicated that the Allahabad High Court had consistently taken the contrary view and held that the functions discharged by the appropriate authorities under s. 3(2) and s. 3(3) are administrative and an obligation to follow the principles of natural justice cannot be imposed on the said authorities vide Narettam Saran v. State of U.P. AIR 1954 All 232. Indeed, after the learned single Judge had held in the present proceedings that the view taken by the earlier decisions of the Allahabad High Court was erroneous, a Division Bench of the said High Court considered the same question once again and re-affirmed its earlier view, vide Murlidhar v. State of U.P.; AIR 1964 All 148. We have carefully considered the reasons given by the learned Judges when they re-affirmed the earlier view taken by the High Court of Allahabad on this point. With respect, we are unable to agree with the decision in Murlidhar's(2) case.

17. In this connection, we may refer to the decisions of this Court in Laxman Purshottam Pimputkar's case (1964) 1 SCR 200 on which the learned single Judge partly relied in support of his conclusion. In that case, this Court was called upon to consider the question whether the revisional jurisdiction conferred on the State Government under s. 79 of the Satan Act was purely administrative, and it came to the conclusion that in exercising the said revisional jurisdiction, the State Government is not acting purely as an administrative authority; its decision is judicial or quasi-judicial, and so, it is essential that the State Government should follow the principles of natural justice before reaching its conclusion under that section. The scheme of the

relevant provisions of the Watan Act cannot. however, be said to be exactly similar to the scheme of the Act with which we are concerned; whereas section 3 of the Act with which we are concerned in the present appeal deals with the statutory rights conferred on the tenants, the relevant sections of the Watan Act dealt with the right of possession of the Watan property itself. That being so, it cannot be said that the decision in Laxman Purshottam Pimputkar's case (supra) can be deemed to have overruled by necessary implication the view taken by the Allahabad High Court in regard to the nature of the power conferred on the appropriate authorities by Ss.3 and 7-F of the Act.

18. *Before we part with this appeal, however, we ought to point out that it would have been appropriate if the learned single Judge had not taken upon himself to consider the question as to whether the earlier decisions of the Division Benches of the High Court needed to be re-considered and revised. It is plain that the said decisions had not been directly or even by necessary implication overruled by any decision of this Court; indeed, the judgment delivered by the learned single Judge shows that he was persuaded to re-examine the matter himself and in fact he had substantially recorded his conclusion that the earlier decisions were erroneous even before his attention was drawn to the decision of this Court in Laxman Purshottam Pimputkar's case. It is hardly necessary to emphasize that considerations of judicial propriety and decorum require that if a learned single Judge hearing a matter is inclined to take the view that the earlier decisions of the High Court, whether of a Division Bench or of a single Judge, need to be reconsidered, he should not embark upon that enquiry sitting as a single Judge, but should refer the matter to a Division Bench or, in a proper case, place the relevant papers before the Chief Justice to enable him to constitute a larger Bench to examine the question. That is the proper and*

traditional way to deal with such matters and it is rounded on healthy principles of Judicial decorum and propriety. It is to be regretted that the learned single Judge departed from this traditional way in the present case and chose to examine the question himself.”

18. In **Vijaymala w/o Tanaji Dolare and Balkrishna Uttamrao Mule** cited (supra), it has been observed that, there could not be abusement on caste in chorus. As per the observations made in the case of **Mukesh Kumar Saini** cited (supra), there must be specific accusations against each of the accused and Section 34 of the IPC cannot be pressed into service and omnibus statement that all the accused persons uttered allegedly humiliating word may not be enough and to ascertain the fact of abusement in chorus, the trial is required to be conducted.

19. In the case in hand, the appellants specifically alleged that on 26.05.2025 at about 9.30 pm to 10.00 pm when he was closing his hotel at that time the present appellants/accused and other co-accused visited his hotel and after meal he provided Bisleri water bottle and on seeing the portrait of Shivaji Maharaj they abused him by saying that, ‘ तुझी फोटो लावण्याची लायकी नाही. महारा तुझी हॉटेल चालवाची सुध्दा लायकी नाही’. No doubt, the hotel run by the respondent/informant falls within the ambit of public place as it is accessible to general public. As per the contents of FIR, said sentence seems to be uttered by a single person and it does not appear

that all the accused persons at a time abused him on his caste. The contents of the FIR also does not show that other customers were present in the hotel when castiest slur were hurled, hence, it can not be said that said incident has occurred within the public view. Therefore, considering the law laid down in **Keshaw Mahto @ Keshaw Kumar Mahto v. State of Bihar & Anr. (SLP (Crl.) No. 12144/2025**, decided on 12.01.2026 by the Hon'ble Supreme Court and the case of **Kiran vs. Rajkumar** cited (supra), as per the provisions of Section 18 of the Atrocities Act, no bar is created to enlarge the appellants/accused on anticipatory bail under Section 438 of the Cr.P.C..

20. It is a matter of record that, on 15.07.2025, this Court passed an order in Criminal Appeal No.508/2025 and granted ad-interim anticipatory bail to the appellant. On 17.10.2025, this Court passed an order in Criminal Appeal No.697/2025 and granted ad-interim anticipatory bail to the appellant on certain terms and conditions. Since, the Investigating Officer has already seized the crime weapon, therefore, considering the nature of crime, I am on the view that, no custodial interrogation of the appellants/accused is required and it would be just and proper to extend the ad-interim relief/protection granted by this Court during the pendency of the trial on the same terms and conditions.

21. In view of above, I proceed to pass the following order:

ORDER:

- i. The impugned order dated 30.06.2025 passed by the learned Additional Sessions Judge-1, Beed in Criminal Bail Application No.594/2025 is hereby quashed and set aside.
- ii. The impugned order dated 02.08.2025 passed by the learned Additional Sessions Judge-1, Beed in Criminal Bail Application No.710/2025 is hereby quashed and set aside.
- iii. The ad interim orders granted by this Court on 16.07.2025 to appellant/Sunny Ramkisan Shinde and on 17.10.2025 to appellant/Akshay Rangnath Sakhre enlarging them on anticipatory bail is hereby extended till the conclusion of the trial.
- iv. The appellants in both these appeals shall attend the concerned police station as and when called by the Investigating Officer till filing of the charge-sheet and they shall co-operate with the Investigating Officer.
- v. The appellants in both these appeals shall not contact and/or influence the witnesses and they shall not tamper with evidence in any manner whatsoever.
- vi. The fees of the appointed counsel be quantified as per rules and it be paid by the High Court Legal Services Authority.
- vii. Accordingly, both the criminal appeals are disposed of.

[Y.G. KHOBRAGADE, J.]