



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

943 CRIMINAL APPEAL NO. 783 OF 2025

1. Tukaram Arun Raut,
Age : 38 years, Occ.: Agriculture,
R/o. Walvad, Tq.Karjat,
District: Ahilyanagar.
2. Shivaji Arun Raut
Age : 41 years, Occ.: Agriculture,
R/o. Walvad, Tq.Karjat,
Dist. Ahilyanagar.

... APPELLANTS
(Accused no.1 & 2)

VERSUS

1. The State of Maharashtra,
Through Officer In charge
Police Station Mirajgaon
Tq. Karjat Dist.Ahilyanagar
 2. Sachin Hiranman Gaikwad,
Age-21 years, Occupation-Agriculture,
R/o. Walvad, Tq.Karjat, Dist.Ahilyanagar
- ... RESPONDENTS
(Respondent no.2
is the informant]

...
Advocate for Appellants : Mr. Shekade Shashikant E.
APP for Respondents/State : Mr. K.S. Patil
Advocate for Respondent No. 2 : Ms Smita R. Kasture For (appointed)
...

CORAM : Y.G. KHOBRAGADE, J.
DATE : 21.01.2026

PER COURT :

1. Heard Mr. Shekade, learned Counsel appearing for the appellants, Mr. Patil, learned APP appearing for the respondents State

and Ms. Kasture, the learned appointed Counsel appearing for the respondent No. 2 at length.

2. When this Court shows disinclination to grant anticipatory bail to the extent of appellant No. 1 Tukaram Arun Raut, in Crime No. 179 of 2025, registered with Mirajgaon Police Station District Ahilyanagar, the learned Counsel appearing for the appellants sought leave to withdraw the appeal to the extent of appellant No. 1 Tukaram Arun Raut. Accordingly, the appeal is dismissed against appellant No. 1.

3. By the present appeal, the appellant No. 2 Shivaji Arun Raut praying for grant of anticipatory bail in Crime No. 179 of 2025, registered on 29.08.2025 with Mirajgaon Police Station, District Ahilyanagar, for the offence punishable under Sections 118 (1), 115 (2), 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) 3 (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. On perusal of the FIR lodged by respondent No. 2 on 28.09.2025, it appears that on 27.08.2025, between 6.30 p.m. to 7.00 .p.m. when the informant/respondent No. 2 visited the hotel of Tukaram Arun Raut, he found that the present appellant No. 2 Shivaji Arun Raut had caught hold of the collar of the shirt of his father, assaulted him and abused him by making a caste related remark, by

saying, “ए, मांगटया तु लय शहाणा झाला काय”. Thereafter, appellant No. 1, Tukaram Arun Raut took sickle and assaulted on the forehead of his father. So also both these accused assaulted his father with fists and kick blows. On the basis of his report, crime No. 179 of 2025 came to be registered against the accused persons. The entire FIR does not suggest that the present appellant No. 1/Accused, Tukaram Arun Raut abused the informant/respondent No. 2 in his caste in the public place. Though, the learned counsel appearing for appellants canvassed that the alleged caste-based abuse occurred inside the hotel of Tukaram Raut, and it was not occurred within the public view. However, it is submitted that the hotel is a public view, therefore, to my mind as per ratio laid down in the case of **Karuppudayar Vs. State** , AIR 2025 SC 705 and **Karin Vs. Rajkumar Jivral Jain and Another** - AIR 2025 SC 4083, the Section 18 of the Atrocities Act creates bar under Section 438 of the Criminal Procedure Code. There is no allegation against appellant No. 2 for abusing father of the informant/respondent No. 2 in his caste. therefore, to my view, the appellant No. 2 - Shivaji Arun Raut is entitled for anticipatory bail.

5. Needless to say that on 15.10.2025, this Court had passed an order and enlarged the appellants/accused on anticipatory bail. However, today this appeal has been withdrawn to the extent of appellant No. 1 Tukaram Arun Raut. Therefore, said interim order would operate only in respect of appellant No. 1 Tukaram Arun Raut during

the pendency of trial. However, the appeal in respect of appellant No. 1 is hereby dismissed as withdrawn.

6. Since Ms. Kasture, learned Counsel is appointed to defend the cause of the respondent No. 2, victim, therefore, her fees be ascertained and be paid to her as per rule, by the Legal Services Authority, Sub Committee, High Court, Aurangabad.

(Y.G. KHOBRAGADE, J.)

mahajansb/