



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 CRIMINAL APPEAL NO. 846 OF 2025

1. RAHUL ALIAS PANKAJ SHRINIWAS PATIL

2. JAGRUTI RAHUL @ PANKAJ PATIL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellants : Mr. Gore Ravindra Vitthal

APP for Respondents/State : Mr. D.B. Bhange

Advocate for Resp. No.2 : Mr. Thombre Chandrakant V

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CORAM : Y.G. KHOBRAGADE, J.

DATE : 12.01.2026

PC.:-

1. Heard the learned counsel appearing for the appellants, Mr. Bhange the learned APP and Mr. Thombre the learned counsel appearing for the respondent no.2/informant at length.

2. By the present appeal, the appellants/accused seek anticipatory bail in connection with crime no.369.2025 registered with Mukundwadi Police Station, Ch. Sambhajinagar for the offence punishable under Section 332(c), 115 (2), 352, 119 (1), 3 (5) of the BNS Act and Section 3 (2) (va), 3 (1)(r), 3 (1)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. Having regard to the submissions canvassed on behalf of the parties, I have gone through the record. As per the FIR dated 18.09.2025

registered with Mukundwadi Police Station on 06.09.2025 at about 12.40 hours midnight the present appellants quarreled with the complainant and abused him in filthy language, so also, snatched gold chain and ring and also robbed him of Rs.10,000/-. It is further alleged that the informant belongs to scheduled caste community and the accused belong to Maratha community. On the basis of said report, the above referred FIR came to be registered. However, the FIR does not disclose that the accused persons abused the informant/respondent no.2 on his caste. Therefore, there is nothing to recover from the accused persons.

3. It is submitted that in case of **Karuppudayar V/s. State represented by the Deputy Superintendent of Police and Ors.; AIR 2025 SC 705**, it has been held that a place 'within public view', the place should be open where the members of the public can witness or hear the utterance made by the accused to the victim. If the alleged offence takes place within the four corners of the wall where members of the public are not present, then it cannot be said that it has taken place at a place within public view. Similarly, in the case in hand, as per the contents of the FIR the alleged incident occurred at 12.45 hours midnight in open place in front of house of the informant. The FIR does not mention about abusing the informant on his caste in public view.

4. On 01.12.2025, this Court passed an order and enlarged the appellants/accused on pre-arrest bail on certain certain terms and conditions. As on today, nothing is to be recovered from the appellants/accused in connection with the crime. Therefore, it will be just and proper to extend the interim order passed on 01.12.2025 during the pendency of trial.

5. In view of above, the appeal stands allowed. The impugned order dated 05.11.2025 passed by the Special Judge in Cri. B.A. No.2065/2025 is hereby quashed and set aside. The interim order passed by this Court on 01.12.2025 shall be extended during the pendency of the trial.

[Y.G. KHOBRADE, J.]