



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

911 CRIMINAL APPEAL NO. 108 OF 2026

**DHONDIBA KISAN BINNAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

....
Mr. S. V. Dixit, Advocate for the Appellants
Mr. K. S. Patil, APP for Respondent No.1 – State
....

CORAM : Y. G. KHOBRAGADE, J.

DATE : February 12, 2026

PER COURT :-

1. Heard the learned counsel for the appellants, at length.
2. By the present appeal under Section 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellants / accused have challenged the order dated 29.01.2026, passed by the learned Additional Sessions Judge/ Special Judge under the Atrocities Act, Sangamner, in Criminal Bail Application No.1 of 2026, thereby declined to release the appellants / accused on anticipatory bail.

3. Having regard to the submissions canvassed on behalf of the appellants, I have gone through the F.I.R. dated 26.12.2025, registered with Akole Police Station, District Ahilyanagar. As per the contents of the F.I.R., on 10.11.2025, in midnight at about 1.00 a.m., all the appellants / accused persons removed the stones with the J.C.B. No.MH-17-4318, which was brought by the informant / respondent No.2 for construction of his house and also abused in filthy language to his wife and issued the life threat. Respondent No.2 / informant further alleged that the accused persons intentionally and deliberately parked the Eicher Truck No.MH-17 BD-3356 in front of his gate, so that his access would be closed. Thereafter on 10.11.2025 at about 8.00 a.m., when he was proceeding towards his field, at that time he asked the Driver of the J.C.B., as to why he removed the stones which were lying in front of his house, at that time, the appellants / accused Nos. 1 to 4 who were standing thereby abused the informant and his wife on their caste on the road in the public view.

4. On face of record, it appears that the respondent No.2 / informant had initially lodged Misc. Criminal Application No.47 of 2025 before the learned Additional Sessions Judge and the Special

Court under the Atrocities Act. After perusal of the complaint and the documents, on 20.12.2025, the learned Special Judge, passed the order and directed the Police Station, Akole, to register F.I.R. against the present appellants / accused. Accordingly, Crime No.644 of 2025 came to be registered on 26.12.2025 with Akole Police Station for the offence punishable under Sections 115(2), 61(2), 324(4), 329(3), 352, 351(2), 3(5) of the B.N.S., Under Sections 3(1)(b), 3(1)(c), 3(1)(g), 3(1)(r), 3(1)(s), 3(1)(u), 3(1)(z) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. The learned counsel for the appellant invited attention of this Court to the order dated 12.01.2026, passed by the Hon'ble Supreme Court in Special Leave Petition (CRL.) No.12144 of 2025 (Keshaw Mahto @ Keshaw Kumar Mahto Vs. State of Bihar & Anr.), wherein in paragraph Nos. 13 to 17, the Hon'ble Supreme Court observed as under:-

“13. To put it briefly - first, the fact that the complainant belonged to a Scheduled Caste or a Scheduled Tribe would not be enough. Secondly, any insult or intimidation towards the complainant must be on the account of such person being a member of a Scheduled Caste or a Scheduled Tribe.

14. With a view to dispel any doubt and lend clarity, we deem it appropriate to mention that even mere knowledge of the fact

that the complainant is a member of a Scheduled Caste or a Scheduled Tribe is not sufficient to attract Section 3(1)(r).

15. Further, for an offence to be made out under Section 3(1)(s), merely abusing a member of a Scheduled Caste or a Scheduled Tribe would not be enough. At the same time, saying caste name would also not constitute an offence.

16. In other words, to constitute an offence under Section 3(1)(s) it would be necessary that the accused abuses a member of a Scheduled Caste or a Scheduled Tribe “by the caste name” in any place within public view. Thus, the allegations must reveal that abuses were laced with caste name, or the caste name had been hurled as an abuse.

17. What appears from the aforesaid is the element of humiliation is present in Section 3(1)(s) as well. It has to be gathered from the intentional insult towards the caste, and the content. The content under Section 3(1)(s) are the abuses hurled at a person belonging to a Scheduled Caste or a Scheduled Tribe. However, the intent with which the abuses were hurled must be found to be denigrating towards the caste, resulting into a feeling of caste-based humiliation.”

6. In case in hand, it prima facie appears that the appellants / accused have allegedly committed the offence under Section 3 of the SC/ST Atrocities Act. Therefore, considering the law laid down in the case of ***Kiran Vs. Rajkumar Jivraj Jain and Another, 2025 SCC OnLine SC 1886***, I do not find that the appellants / accused have made out prima facie case to grant ad-interim anticipatory bail at this juncture.

7. Issue notice to the respondents, returnable on 26.02.2026.

8. The learned APP waives service of notice on behalf of respondent No.1.

9. The Investigating Officer to serve respondent No.2.

[Y. G. KHOBRADE, J.]

SMS