



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

CRIMINAL APPEAL NO. 295 OF 2026

ARJUN RAMKISAN PASTE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Appellant : Mr. Kale Datta Sundarrao

APP for Respondent No. 1 : Mr. V.S. Badakh

Advocate for Respondent No. 2 : Mr. Akash E. Madne

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CORAM : ABHAY J. MANTRI, J.

DATE : 11TH JUNE, 2026

PER COURT :

1. The Appellant / accused being dissatisfied with the order dated 06.04.2026, passed by the learned Special Judge (Atrocities Act), Majalgaon, whereby rejected the Application for grant of bail in connection with Crime No. 73/2026, registered at Majalgaon Rural Police station, District Beed, for the offences punishable under Sections 74, 115(2), 352, 351(2) of the Bhartiya Nyaya Sanhita, 2023, under Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has preferred this Appeal.

2. Heard the learned Advocate for the Appellant and Respondent no. 2 and learned APP for the State. Perused the First Information Report, record and police papers.

3. At the outset, it appears that on 28.02.2026, Informant lodged the report against the Appellant, alleging that on 27.02.2026 at about 10 p.m., when she was at the house of Appellant and asked him about the return of the money he had borrowed, and the expenses incurred related to the land at that time, the Appellant/accused caught hold her hand and pulled her towards him. She resisted him. He also abused her with a caste slur. Therefore, she has lodged the complaint. Pursuant to the complaint, the Appellant has moved an application for bail before the learned Special Judge, who, by order dated 06.04.2026, rejected the same. Being dissatisfied with the same, the Appellant has preferred this Appeal.

4. It also appears from the record that the alleged offence has taken place within the four corners of the wall, where members of the public were not present. Therefore, in view of the law laid down by the Hon'ble Apex Court, it cannot be said that the incident has taken place at a place within public view as contemplated under the provisions of the Atrocities Act.

5. The learned APP submitted that one Dinesh Paste was present and he rescued the quarrel. Peruse the statement, wherein he did not state that the accused abused the Informant with a caste slur to humiliate her, but he only stated that he had rescued the quarrel between

them. Learned APP also drew my attention to the injury certificate. On perusal of the same, it appears that the victim has sustained three injuries, i.e. contusions and an abrasion. The nature of the injuries was simple. Except for Section 74, other offences under the Bhartiya Nyaya Sanhita, 2023, are bailable ones. Nothing is required to be recovered at the hands of the Appellant in the present crime, and, therefore, in my view, custodial interrogation of the Appellant is not required.

6. Having considered the above discussion, it appears that nothing has been brought on record by the prosecution to show that the accused abused or assaulted the Informant with the intention to insult or intimidate with the intent to humiliate the informant or that the said incident occurred within public view. Therefore, in my view, the question of a bar under Section 18 of the Atrocities Act does not arise.

7. Prima facie, it seems that nothing remains to be recovered from the possession of the Appellant. In light of the above discussion, in my view, the Appellant is entitled to release on bail.

8. **As a result, the Appeal is allowed in terms of prayer clause 'C'.**

9. In the event of arrest of Appellant namely Arjun Ramkishan Paste, he be released on bail in connection with Crime No. 73/2026, registered at Majalgaon Rural Police station, District Beed, for the offences punishable under Sections 74, 115(2), 352, 351(2) of the

Bhartiya Nyaya Sanhita, 2023, under Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, *on furnishing PB and SB of Rs. 50,000/- [Rupees fifty thousand] with one or two solvent sureties* in the like amount, on the following conditions:

- i] The Appellant shall attend the concerned Police Station on 19.06.2026, between 11:00 a.m. and 01:00 p.m. and, thereafter, as and when called by the Investigating Officer till filing of the charge-sheet.
- ii] The Appellant shall not tamper with the prosecution evidence in any manner till the conclusion of the trial.
- iii] The Appellant shall not leave India without prior permission of the Court till the conclusion of the trial.
- iv] The Appellant shall furnish the contact details and residential address to the I.O./Police Station and the concerned Court, and shall keep the information updated, in case of any change.

10. Needless to clarify that learned Advocate Mr. Akash E. Madne was appointed by the order dated 08.06.2026. Therefore, his fees are to be quantified and paid to him in accordance with the Rules of the High Court Legal Services Sub-Committee, Aurangabad.

(ABHAY J. MANTRI, J.)