

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 62 OF 2026

NAMDEO SURESH MAGAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Appellant : Mr. Dhananjay D. Rananaware a/w Mr.
Shubham. S. Dhoble

APP for Respondent-State : Mr. A. S. Shalgaonkar

Advocate for Respondent No. 2 : Ms. Indrayani Patil (Appointed)

...

CORAM : SACHIN S. DESHMUKH, J.

Date : 25th March, 2026

ORDER :-

1. Appellant preferred this appeal against the order dated 02.03.2026 rendered by the learned Additional Sessions Judge, Vaduj rejecting Criminal Bail Application presented in connection with C.R. No. 24 of 2026 registered with Vaduj Police Station for offence punishable under Sections 115(2), 352, 351(2)(3) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 3(1)(r)(s), and 3(2)(va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('the said Act').

2. The prosecution case is that the informant and the applicant are well-acquainted and aware of each other's caste

identities. On 26.02.2026, at approximately 10:15 am, the informant followed the noise of a commotion to find the applicant engaged in a heated quarrel with her son. Despite the presence of bystanders attempting to mediate, the informant intervened to question why the applicant was abusing and assaulting her son. The applicant allegedly justified his actions by claiming the informant's son had interfered with an electric cable connector, causing his motor to shut down. During this confrontation, the applicant is stated to have directed caste-based slurs and abuses at both the informant and her son. The incident escalated physically when the applicant kicked the informant, causing her to fall and sustain an injury to her right hand. Following the assault, the informant sought medical treatment before approaching the police to lodge the formal complaint.

3. Heard learned counsel for the appellant. He submits that the alleged caste-based slurs reportedly occurred during a sudden quarrel over a property / utility dispute (the electric cable). The primary motive was the dispute over the motor, not an intentional insult based on caste, which is a prerequisite for a prima facie case under the Act. The informant allegedly sustained an injury to her hand after being kicked and falling. The medical

certificate indicates simple injuries. As such, custodial interrogation is unnecessary. Hence, prayed to allow the appeal.

4. Per contra, learned APP and learned counsel for respondent no. 2 opposed the appeal submitting that the assertion at the instance of the appellant constitutes an offence under Section Sections 3(1)(r) and 3(1)(s) of the said Act which disentitles the appellant to be admitted to the bail.

5. Upon considering the submissions put forth by learned counsel for the appellant and learned APP so also learned counsel for the informant and perusal of the material placed on record, *prima facie* it appears that while Section 18 of the SC/ST Act creates a bar for grant of anticipatory bail, however, bar does not operate where a *prima facie* case is not made out. In the present case, the alleged abuses appear to have been triggered by a specific dispute over an electric cable and a motor. The insult does not appear, on the face of it, to be motivated solely by the informant's caste.

6. The medical record indicates that the informant sustained an injury to right hand after a fall. As the injury is

described as simple in nature, therefore, does not warrant custodial interrogation. Apart from the aforesaid aspect, nothing is to be recovered from the applicant. As such, I am persuaded to exercise discretion in favour of the appellant.

7. Resultantly, the following order:

ORDER

I. Appeal is allowed.

II. In the event of arrest of the appellant in connection with C.R. No. 24 of 2026 registered with Vaduj Police Station for offence punishable under Sections 115(2), 352, 351(2)(3) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 3(1)(r)(s), and 3(2)(va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, he be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount.

III. The appellant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

IV. The appellant shall attend the trial on each and every date unless exempted by the trial Court.

V. Appellant shall attend the concerned police station as and when called in writing.

VI. The appellant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.

VII. In case of breach of any of the conditions by the appellant, it is open for the Prosecution to move this Court seeking cancellation of bail.

VIII. Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

IX. Learned counsel appointed for represent No. 2 be paid professional fees quantified at Rs. 7,000/-.

Appeal stands disposed of.

(SACHIN S. DESHMUKH, J.)