IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 353 OF 2026

1. Gopal Pandurang Raut
   Age: 28 years, Occu.: Barber,

2. Kishor Pandurang Raut
   Age: 25 years, Occu.: Barber,

   Both R/o Longaon,
   Tq. Majalgaon, Dist. Beed ..APPELLANTS

VERSUS

1. State of Maharashtra
   Through Police Station Dindrud,
   Tq. Majalgaon, Dist. Beed

2. Balasaheb Maroti Sonkamble
   Age: 32 years, Occu.: Labour,
   R/o Longaon,
   Tq. Majalgaon, Dist. Beed ..RESPONDENTS

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Mr. P.D. Wakhare, Advocate h/f Mr. S.J. Naik, Advocate for Appellants
Mr. S.N. Morampalle, A.P.P. for Respondent no.1 – State
Mr. S.A. Kulkarni, Advocate for Respondent no.2

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CORAM : ABHAY J. MANTRI, J.
DATE : 22nd JUNE, 2026

ORAL JUDGMENT :

1. The Appellants, being dissatisfied with the order dated 29th October, 2025 passed by the learned Special Judge (Atrocities Act), Majalgaon, whereby rejected the bail application in connection with Crime

No.248/2025 registered at Police Station, Dindrud under Section 118(1), 115(2), 352, 351(2), 351(3) read with Section 3(5) of Bharatiya Nyaya Sanhita, 3(1)(r), 3(1) (s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as '**the Atrocities Act**'), have preferred this Appeal.

2. Heard learned counsel for the Appellants and the Respondent No.2 – Complainant, as well as learned A.G.P. for the Respondent No.1 – State. Perused the FIR, case papers and record.

3. It appears that on 30th September, 2025, the Respondent No.2 – Complainant - Balasaheb lodged the report against the Appellants at Dindrud Police Station, alleging that on 26th September, 2025, at about 04:30 p.m., when he had gone to the hotel of Vishnu Jadhav to have tea, the Appellants came to the said hotel. When he was leaving the hotel, his hand brushed against a mug filled with water, causing the water to spill onto the feet of Appellant No.1 – Gopal. On that ground, a quarrel took place between the Appellants and the Informant in the hotel. It is further alleged that the Appellants abused the informant with a caste slur, "*माहरा मांग्या तू लय माजलास काए*" and also assaulted him. At that time, the hotel owner/operator, Vishnu Jadhav, resolved the dispute/quarrel. Thereafter, when the Informant was proceeding towards his house, the appellants, in front of their saloon,

intercepted him and assaulted him with an iron pipe and also threatened to kill him. Based on his report, an offence came to be registered against them.

4. Pursuant to the registration of the offence, the Appellants have moved a bail application before the learned Special Judge (Atrocities Act), Majalgaon, who rejected the said Application. Aggrieved by the same, the Appellants have preferred this Appeal.

5. Learned counsel for the Appellants vehemently contended that on the day of the incident, the Informant came to the saloon of the Appellants in a drunken condition, and therefore, Appellant No.1 – Gopal refused to cut his hair. At that time, the Informant assaulted him, and accordingly, Appellant No.1 lodged the report at Dindrud Police Station. Based on the said report, the police registered an N.C. report; belatedly, to counter it, the informant lodged a false report against the Appellants.

6. Secondly, he argued that no offence under the Atrocities Act is attracted against the Appellants. As the said offence was not committed in public view or at a public place, no independent witness saw the said incident. Therefore, provisions of the Atrocities Act are not attracted against the Appellants. Alternatively, he submitted that merely an assertion of abusive language by the caste name was used is not enough to mean that the offence is committed within the public view. Therefore, provisions of the Atrocities Act

do not apply to the case in hand. Delay of four days in lodging the F.I.R. has also not been explained by the Informant. He therefore urged that the Appeal be allowed.

7. To buttress his submission, he relied upon the judgment of the Hon'ble Supreme Court in ***Keshaw Mahto alias Keshaw Kumar Mahto Vs. State of Bihar and Anr. 2026 SCC Online SC 799***, more particularly Paragraph Nos. 15 to 18. He also placed reliance on Paragraph No.7 of the judgment of this Court in ***Yogesh Laxman Pandav and Ors. Vs. State of Maharashtra and Anr., dated 08th January, 2023, in Criminal Appeal No. 858 of 2022*** and submitted that in view of the law laid down by the Hon'ble Supreme Court as well as this Court, the offence does not come within the purview of the Atrocities Act. Therefore, the Appellants are entitled to bail.

8. On the contrary, learned A.P.P. and learned counsel for the Respondent No.2 vehemently opposed the Appeal on the following three grounds :-

(i) The Appellants have assaulted the Informant by means of an iron pipe, and till now the police have not recovered the said pipe;

(ii) The Appellants suppressed the fact of registration of the offence against Appellant No.1; and

(iii) The offence has occurred within the public view.

They lastly submitted that due to assault, the Informant was admitted to the hospital, and therefore, a delay occurred in lodging the F.I.R.

9. Learned A.P.P. has taken me through the statement of Vishnu Jadhav, an independent witness, the injury certificate and statements of other witnesses and urged for dismissal of the Appeal.

10. Having heard learned counsel for both the parties and gone through the record, at the outset, it appears that the incident occurred in the hotel, i.e., a public place, where Appellants categorically abused the Informant with a caste slur. The informant's complaint is prima facie corroborated by an independent witness, Vishnu Jadhav, who is the hotel owner. He also stated that the Appellants abused the Informant with a caste slur and assaulted him by means of an iron pipe, causing injury.

11. Apart from that, it appears that the Informant has sustained seven injuries on his person by a hard and blunt object. Therefore, he was referred to Rural Hospital, Majalgaon, and then also referred for an X-ray of the right humerus and elbow joint. In the injury certificate, it is mentioned that the X-Ray report primarily shows a dislocated fragment of the styloid process of the left wrist, and the nature of the injury is shown as grievous.

12. Thus, having considered the above facts, prima facie allegations in the FIR appear that the Appellants abused the Informant with a caste slur; his statement is corroborated by an independent witness shri Vishnu Jadhav. Thus, prima facie provisions under the Atrocities Act are attracted, and therefore, a bar under Section 18 of the Atrocities Act would apply against the Appellants. Apart from that, an iron pipe by which he has caused grievous injury to the Informant is yet to be recovered. Therefore, also prima facie in my opinion, custodial interrogation of the Appellants is required.

13. Perusal of the judgments relied on by the learned counsel for the Appellants would reveal that the facts in the said judgments are distinct from the case in hand. The Hon'ble Supreme Court in Paragraph No. 16 of the judgment in **Keshaw Mahto** (supra) has observed that if a member of the Scheduled Caste or Scheduled Tribe was abused by the Accused by the caste name in any place within the public view, then it would constitute an offence under Section 3(1)(s) of the Atrocities Act, and therefore, in my view the observation made in the said judgment is helpful to the prosecution instead of the Appellants in the present case. In **Yogesh Pandav** (supra), this Court has stated that if a person of the Scheduled Caste and the Scheduled Tribe gets abused in chorus, then it cannot be said to be a believable act. Further, in the case at hand, the Informant categorically stated that the Appellants abused him with a caste slur, and an independent witness corroborated his statement;

therefore, the law laid down in the above two judgments is of hardly any assistance to the Appellants in support of their case.

14. That being so, **the Appeal being bereft of merits, stands dismissed**.

(ABHAY J. MANTRI, J.)

SSD