

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPEAL NO. 281 OF 2021**

Abdul Hafiz Abdul Rashid Shaikh .. Appellant  
Versus  
The State of Maharashtra & Anr .. Respondents

**WITH**  
**CRIMINAL APPEAL NO. 282 OF 2021**

Shakila Hafiz Shaikh .. Appellant  
Versus  
The State of Maharashtra & Anr .. Respondents

**WITH**  
**CRIMINAL APPEAL NO. 2 OF 2021**

Zonijaha Abdul Hafiz Shaikh and ors .. Appellants  
Versus  
The State of Maharashtra & Anr .. Respondents

Ms. Saima Ansari i/b Fakhruddin Khan, for the appellants in all the appeals.

Mr. Ujwal Agandsurve, for Respondent no.2 in all the appeals

Mr. N.B. Patil, APP for the State.

Mr. Madhav Reddy, ACP, Div-2, Solapur City.

**CORAM: BHARATI DANGRE, J.**  
**DATED : 3<sup>rd</sup> APRIL 2023**

**P.C:-**

1           Perusal of two FIRs, one dated 3/12/2020 filed by one Yalubai Jagdekar against the four appellants, members of the same family and another FIR, slightly ahead in point of time filed on 5/5/2020 by Shakila Abdul Hafiz Shaikh, accused no.1 in the first FIR, reflect that all is not well in a Society, where people from different castes/communities are cohabiting.

          The two FIRs clearly reflect that the discord exist between the members belonging to a particular community/caste and no stones are left unturned to disturb the homogeneity of the other community.

2           The subject CR in which the appellants are arraigned as accused, which give the details of the persistent discord in the locality by giving a narration in a particular manner, is precisely contradicted by an earlier FIR dated 5/5/2020, where the complainant is Shakila Shaikh, who levelled allegations against 41 persons of the locality.

3           The appellants, who face the accusations under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), were granted protection on 6/01/2021 by making reference to the two FIR's and by recording that a prima facie case, for grant of protection is made out.

The interim order continue to operate in all the three appeals and it is informed by the learned APP that the charge-sheet has been filed on 27/1/2021.

In the wake of the above, since on the investigation being complete, it cannot be said that there is a need of custodial interrogation, the interim order in favour of the appellants deserve to be confirmed and accordingly the said order is made absolute.

Appeals are allowed by quashing and setting aside the impugned orders in the aforesaid terms.

4           The learned counsel Mr. Ujwal Agandsurve is appointed through legal aid, has effectively assisted this Court in the appeal and this Court would like to place an appreciation towards him and the Legal Services Authority shall pay the legal remuneration due and payable to the learned counsel within a period of 6 weeks from today.

**( SMT. BHARATI DANGRE, J.)**