



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

CRIMINAL APPEAL NO. 314 OF 2025

1. Jahur Suleman Sayyad
2. Suleman Fakira Sayyad
3. Shaukat Latif Sayyad .. Appellants

Versus

The State Of Maharashtra And Another .. Respondents

Mr. Gautam J. Pahilwan, Advocate for the Appellants.
Smt. C. C. Kutti, APP for Respondent No. 1.
Mr. Majid Shaikh, Advocate for Respondent No. 2 (Appointed).

CORAM : KISHORE C. SANT, J.

DATE : 11th JULY, 2025.

PER COURT :-

. Heard learned advocate for the appellants, learned A.P.P. and learned advocate for respondent No. 2 (Appointed).

2. The appellants have approached this Court challenging an order passed by the learned Sessions Judge rejecting the application for bail of the present appellants in the event of their arrest in connection with crime registered with Police Station, Bidkin bearing FIR No. 0219/2025 dated 22.04.2025 for the

offences punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (for short “Atrocities Act”) and under Sections 3(5), 351 (3), 352 of the Bhartiya Nyaya Sanhita (for short “B.N.S.”).

3. It is the case of the appellants that, they have not committed any crime. They are falsely implicated by the informant. There is dispute between the informant and the present appellants. The appellants have filed a civil suit against the respondent-informant and his relatives in the Court of learned C.J.J.D., Paithan bearing Regular Civil Suit No. 99/2021. There is also an application filed below Exh. 5 seeking injunction. The learned J.M.F.C., Paithan by his order dated 03.01.2023 has allowed Exh. 5 application restraining the informant and his relatives from causing obstruction to the plaintiff’s possession over the suit land. He submits that, because of this dispute they are falsely implicated. The learned Sessions Judge failed to appreciate this basic fact and has rejected the application.

4. The learned A.P.P. submits that, there are statements of independent persons recorded during the course of investigation.

They support the case of the informant. An incident has taken place in a public place. From the statements of other witnesses it is clear that, the appellants have abused the informant in the name of caste.

5. The learned advocate for respondent No. 2 (appointed) also opposes the appeal. He submits that, accepting that the civil dispute is pending, still the averments would show that the informant was abused in the name of caste.

6. On looking to the FIR it is seen that, there are clear allegations against appellant No. 1 - Jahur and appellant No. 3 - Shaukat. The independent witnesses also have mentioned the names of these appellants. Specific role is attributed to appellant Nos. 1 and 3. This Court finds that, there is material at least prima facie against the appellants. Though civil suit is pending it is seen that, it is pending since 2021. Merely because suit is pending, it cannot be said that the accused are falsely implicated. At this stage the Court has to see FIR as it is and consider the contents without subtracting or adding anything to the contents of the FIR.

7. Considering the above, this Court is inclined to partly allow the appeal only to the extent of Suleman i.e. appellant No. 2. So far as the appeal to the extent of appellant Nos. 1 and 3 is concerned, the appeal stands dismissed.

8. The appellant No. 2 - Suleman shall be released on bail in the event of his arrest in connection with crime registered with Police Station, Bidkin bearing FIR No. 0219/2025 for the offences punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Atrocities Act and under Sections 3(5), 351 (3), 352 of the B.N.S. on furnishing P.R. bond in the sum of Rs. 25,000/- with one solvent surety in the like amount on following conditions :

(i) The appellant shall not try to contact any of the witnesses and shall not try to pressurize them. He shall co-operate in the investigation. He shall remain present as and when called by the investigating officer.

(ii) The appellant shall give his residential address, mobile number and other contact details with concerned I.O./Police Station till filing of the charge-sheet.

9. The learned advocate for respondent No. 2 is appointed. The Court appreciates his efforts in assisting the Court. He shall be entitled to the fees as per the rules through Legal Aid Centre.

10. Criminal Appeal stands disposed of.

(KISHORE C. SANT, J.)

PS.B.