



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

CRIMINAL APPEAL NO. 687 OF 2025

1. Ahmad Chand Shaikh,
Age; 60 years, Occ; Agri,
R/o; Mungi, Tq. Shevgaon,
District Ahmednagar.
2. Salman Ahmad Shaikh,
Age; 32 years, Occ; Service,
R/o; Plot No. 6, Behind
Majidiya Hall, Silk Mill Colony,
District Auangabad.
3. Irfan Ahmad Shaikh,
Age; 28 years, Occ; Service,
R/o; Railway Station, near
Kohinoor Bakery, Silk Mill Colony,
District; Aurangabad.

...APPELLANTS
(Orig. Accused)

VERSUS

1. The State of Maharashtra
Through Shevgaon Police Station,
Ahmednagar.
2. Ashabai Sheshrao Ghorpade,
Age; 57 Occ. Housewife,
R/o; Mungi, Tq. Shevgaon,
District; Ahmednagar.

...RESPONDENTS

...
Advocate for the Appellants : Mr. Chaitanya C. Deshpande
APP for Respondent No. 1-State : Ms. Uma S. Bhosle
Advocate for Respondent No. 2 : Mr. S.S. Gangakhedkar
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**CORAM : SUSHIL M. GHODESWAR, J.
DATE : 18.11.2025**

PER COURT :

1. Being aggrieved by the order dated 19.08.2025, passed by the learned Additional Sessions Judge-5, Ahmednagar, District Ahmednagar below Exh. 1, in Anticipatory Bail Application No. 1065 of 2025, vide Crime No. 349 of 2025 registered with Shevgaon Police Station District Ahmednagar, for the offence punishable under Sections 74, 115(2), 352, 351(2), 351(3), 189(2), 191(2) of the Bhartiya Nyaya Sanhita, 2023, and under Sections 3(1)(w)(i), 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short "Atrocities Act") hence, through this Criminal Appeal the appellants are before this Court.

2. The prosecution case in brief is as under :

The aforesaid crime came to be registered on the basis of report lodged by the informant on 19.04.2025. The informant in her report stated that on 06.04.2025, at about 3.00 hrs., i.e. prior to 13 days of the alleged incident, she along with her husband Sheshrao and brother of her husband namely Dnyandeo, had been to agricultural field bearing Gut No. 29/1, for collecting fire woods. However, the accused persons namely Khaled Gulab Shaikh, Banno Khaled Shaikh, who have been employed by the present appellant No. 1 Ahmed Chand Shaikh, told the Complainant and others not to enter in their agricultural field. There took quarrel between them and thereon the informant alleged to have told them that the said land has been purchased by them in

exchange of their 2 acres of Class-II land from appellant No. 1 and appellant No. 1 had promised them to give them 5 and half acres of land and also a house in the village. However, he had not kept his promise and on the contrary appellant No. 1 gave them only 1 Hecter of the land. During the said quarrel, they called accused namely Ahmed Chand Shaikh, Salman @ Bhayya Ahmed Shaikh, Imran @ Papa Ahmed Shaikh, Irfan Ahmed Shaikh. Accordingly, scuffle took place between the accused persons and the informant side. The accused persons alleged to have outraged the modesty of informant. They alleged to have threatened her of committing murder and also threatened them not to enter the said field again. Since the informant and her relatives were threatened, immediately they did not report the incident to police. After proper advise through the relatives, the informant lodged the report to the Police Station Shevgaon on 19.04.2025.

3. Thereafter, the appellants approached the learned Sessions Court Ahmednagar, for grant of anticipatory bail, by filing Bail Application No. 1065 of 2025, which came to be rejected by the learned Additional Sessions Judge, Ahmednagar, vide its order dated 19.08.2025. Hence, the appellants approached this Court for grant of anticipatory bail. This Court vide order dated 16.09.2025 granted interim protection to the appellants.

4. Heard Mr. Chaitanya C. Deshpande, learned Advocate for

the Appellants, Ms. Uma S. Bhosle, the learned APP for Respondent No. 1-State and Mr. S.S. Gangakhedkar, the learned Advocate for Respondent No. 2 at length.

5. Mr. Deshpande, learned Advocate appearing on behalf of appellants submitted that the appellants are falsely implicated in this Crime. The said Crime is registered on account of a civil dispute as regards the agricultural fields between the parties. Moreover, the offence under the Atrocities Act came to be registered subsequently after recording of the statement of the informant under Section 183 of the Bhartiya Nagarik Sureksha Sanhita, 2023. He has further submitted that the entire complaint is totally silent as regards the offence of Atrocities Act. He has further submitted that on the basis of prosecution case, prima-facie it cannot be said that an offence is made out against the appellants, so as to attract the bar under Section 18 of the Atrocities Act. He has further contended that the investigation in the aforesaid crime is almost completed and mere formality of filing of the charge-sheet is remained. He has also further submitted that the appellants are ready to abide each and every conditions, if imposed by this Court, while granting bail to them, and therefore, he prayed for confirming the interim protection granted to the appellants by this Court on 16.09.2025.

6. Per-Contra, Ms. Uma S. Bhosle, learned APP for

Respondents-State strongly opposed the instant appeal. According to her, the appellants are involved in serious crime. There are statements of witnesses who has supported the prosecution. The Investigating Officer has also collected enough material against the appellants and as such, she prayed that instant appeal be rejected.

7. I have also heard Mr. S.S. Gangakhedkar, the learned Counsel appearing for respondent No. 3, who has adopted the submissions of the learned APP. According to him, there are various offences registered against the appellants. He also tendered a chart showing old cases registered against the appellants which reads as under :

SR. NO.	NAME OF THE ACCUSED	ALLEGED OFFENCES CRIME NOS AND CASE NOS.	ALLEGED OFFENCE UNDER SECTIONS
01.	Ahmed Chand Shaikh	1. 35/2014 RCC 64/2021 Dated 19.11.2025. 2. Sessions Case No. 100106/2011 3. RCC No. 900179/ 2012. 4. Sessions Case No. 188/1998.	1. 143, 147, 148, 232, 435, 424, 504, 506 of the IPC and 3/25 of the Arms Act. 2. 399, 307, 353, 402 of IPC and 135 of Bombay Police Act and 4, 7, 25 of the Arms Act. 3. 324, 323, 504, 506 of IPC. 4. 363, 366, 34 of the IPC.
02.	Salman Ahmad Shaikh	1. 265/2020	1. 327, 341, 506, 34 of the IPC.
03.	Irfan Ahmed Shaikh.	1. 265/2020	1. 327, 341, 506, 34 of IPC.

8. He, therefore, submits that the appellants are habitual

offenders and they have no regard at the law and order of the State and as such, the appeal of the appellants deserves to be rejected. He further submitted that if the appellants are released on bail they may threaten the prosecution witnesses and as such may also tamper the prosecution evidence.

9. After hearing the learned Advocate for the parties, it is brought to the notice of this Court that the alleged incident took place at the agricultural field belonging to the appellants and and at the time of incident the informant alongwith her husband and brother of her husband had gone to the field of accused to collect fire woods. There is a civil dispute pending between the parties pertaining to the agricultural fields. The incident took place when the complainant and her husband wanted to enter into the land, which is being possessed by the appellant No. 1. The laborers who were employed by the appellant No. 1 had restrained the Complainant side from entering into the land and accordingly said employees called the appellants. The quarrel in pursuance to the said incident has taken place between the appellants and the informant on account of entering the disputed site. There are allegations of man handling the informant and also outraging her modesty. However, as such, there is no allegations as regards the insult or humiliate the informant on the basis of her caste. The fact that appellants were already released on ad-interim protection on 16.09.2025 by this Court, by imposing certain conditions and the

appellants till date have not misused their liberty granted to them and it also goes to show that they have co-operated the investigation. The investigation papers are also made available to this Court by the learned APP, which discloses that the investigation in respect of the instant crime is already over and mere formality of filing of charge-sheet is remained. The submission of Mr. Gangakhedkar, learned Advocate for respondent No. 2 as regards registration of previous offences against the appellants are concerned. the chart which is given to this Court, discloses that said offences are of the year 2014 to 2020. The alleged incident took place on account of the informant trying to enter the field which is belonging and in possession of appellant No. 1. At this stage, it is very difficult to consider the averments of the informant, as there are several disputes going on in between the parties. In this backdrop, the appellants have made out a case for grant of anticipatory bail. It is absolutely clear that the ingredients of the report lodged by the informant does not show prima-facie the offences of Atrocities Act against the appellants and therefore, the bar of Section 18 is also not attracted in this case. Hence, there is no hurdle in confirming the interim protection already granted by this Court to the appellants on dated 16.09.2025. In that view of the matter, the appellants be granted anticipatory bail by confirming earlier order dated 16.09.2025 by putting certain stringent conditions on them. Hence I pass following order :

ORDER

- (i) The Criminal Appeal is allowed.

(ii) The impugned order dated 19.08.2025, passed by the learned Additional Sessions Judge, Ahmednagar, below Exhibit No. 1 in Criminal Bail Application No. 1065 of 2025 is quashed and set aside.

(iii) The ad-interim protection granted to the appellants by this Court on 16.09.2025 is confirmed.

(iv) In the event of arrest of appellants, Ahmad Chand Shaikh, Salman Ahmad Shaikh and Irfan Ahmad Shaikh, vide Crime No. 349 of 2025 registered with Shevgaon Police Station, District Ahmednagar for the offence punishable under Sections, 74, 115(2), 352, 351(2), 351(3), 189(2), 191(2) of the Bhartiya Nyaya Sanhita, 2023, and under Sections 3(1)(w)(i), 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, they shall be released on bail on furnishing their personal bond of Rs. 15,000/- (Rs. Fifteen Thousand Only) each and one solvent surety each in the like amount on following conditions :

(a) The appellants shall not enter in the jurisdiction of Shevgaon Police Station, District Ahilyanagar, till filing of the charge-sheet. They are allowed to enter into the jurisdiction of Shevgaon Police Station limits only on the date of attending Police Station.

(b) The Appellants, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

(c) The Appellants shall co-operate with the trial Court and shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

(d) The Appellants shall not tamper with the evidence of the prosecution and shall not influence the informant, witnesses and other persons concerned with the case and not to indulge in any criminal activities.

(e) The Appellants, upon being released on bail, shall place on record of the trial Court their details of Contact Number and residential addresses with updates in case of any change.

(f) The appellants shall not commit any crime in future.

10. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the Appellants shall be liable to be cancelled.

11. It is also clarified that the observations made in this order are limited to the disposal of the present appeal. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. The appeal stands allowed and disposed of.

(SUSHIL M. GHODESWAR, J.)