IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 CRIMINAL APPEAL NO. 125 OF 2026

DASTAGIR SHABBIR PATHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...

Mr. Rajendra L. Kute, Advocate for Appellants
Mr. S. B. Narwade, APP for the Respondent/State
Mrs. Anita V. Veer Naik, Advocate for Respondent No.2 (appointed)

CORAM : R. M. JOSHI, J.
DATED : 30th OCTOBER, 2026

PER COURT :-

1. Appellants seek pre-arrest bail in connection with Crime No. 008/2026, registered with Ghargaon Police Station, District Ahilyanagar, for the offences punishable under Sections 74 and 351 (2) of the Bhartiya Nyaya Sanhita and Sections 3 (1)(r), 3(1)(s), 3 (1)(w)(i), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The First Information Report indicates that an incident is alleged to have occurred on 02.01.2026 at about 1.00 p.m., wherein Appellant No. 1, Dastagir, is alleged to have uttered certain words, thereby outraging the modesty of the Informant. She further alleges that the said Appellant abused her husband by referring to his caste and also assaulted him. There are similar allegations against Appellant No. 2 in respect of an incident alleged to have

occurred on the same day at about 7.00 p.m.

3. Learned Advocate for the Appellants draws attention of this Court to the fact that, on the same day, an incident had occurred wherein the husband of the Informant assaulted Appellant No. 1, resulting in grievous injuries to him. To support this submission, he places reliance on the order passed by the learned Special Judge rejecting the pre-arrest bail application of the husband of the Informant, wherein the said observations are recorded. According to him, the incident in question has not occurred in the manner in which it is sought to be projected in the First Information Report and, in any case, the alleged incident has not occurred in public view.

4. Learned APP and learned Advocate for the Informant oppose grant of any relief to the Appellants. Learned APP draws attention of this Court to the statement of a witness indicating that the incident had occurred in the manner in which it is recorded in the First Information Report.

5. Perusal of the record shows that on the very day on which the incident in question is alleged to have occurred, Appellant No. 1 was severely assaulted by the husband of the Informant. Having regard to this fact, the possibility of false implication cannot be ruled out. There is no material in the form of an independent witness to indicate that the alleged abuses were

uttered by the Appellants against the Informant or her husband in public view. Thus, at this stage, it cannot be said that the alleged incident had occurred in public view.

6. The liberty of the Appellants has already been protected by this Court and there is no allegation that they have misused or abused the liberty so granted. Hence, the Appeal is allowed in terms of the interim order.

7. Fees of the learned counsel appointed for the Appellants are quantified at Rs.10,000/-.

(R. M. JOSHI, J.)

ssp