IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 CRIMINAL APPEAL NO. 841 OF 2026

SAYYAD MUKHTADIR SAYYAD BASHIR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Mr. H. M. More h/f Mr. Suyashkumar S. Jangada, Advocate for Appellant
Mr. S. B. Narwade, APP for the Respondent/State
Ms. P. V. Giri, Advocate for Respondent No.3 (appointed)

CORAM : R. M. JOSHI, J.
DATED : 2nd NOVEMBER, 2026

PER COURT :-

1. Appellant seeks pre-arrest bail in connection with Crime No. 685 of 2026 registered with Nanalpeth Police Station, District Parbhani for the offences punishable under Sections 115(2), 132, 296, 351(2) of the Bharatiya Nyaya Sanhita and Sections 3(1)(r) & 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. The First Information Report was lodged on 16.09.2026 in respect of an incident alleged to have taken place at about 8.30 a.m. in front of the hotel of the present Appellant. The Informant and the workers were cleaning the drainage. The present Appellant questioned them about the same. In the said incident, the present Appellant is alleged to have abused the Informant by referring to his caste and also assaulted him.

3. Learned Advocate for the Appellant submits that this is a case of false implication and there is delay in lodging the First Information Report. He, however, argues that the incident has not occurred in the manner recorded in the First Information Report. According to him, as the incident has not occurred in public view, the embargo created under Section 18 of the Atrocities Act would not come into play.

4. Learned APP and learned Advocate for the Informant oppose the appeal. It is their contention that the statements made in the First Information Report are sufficient to demonstrate that the incident occurred in public view and, as such, an offence under the Atrocities Act is made out against the Appellant.

5. Perusal of the investigation papers does not indicate that statements of any witnesses have been recorded to show that the incident occurred in the manner stated in the First Information Report. In fact, the statements of independent witnesses do not indicate any occurrence of abuse to the Informant by referring to his caste. Having regard to these facts, prima facie, no offence under the Atrocities Act is made out against the Appellant and, as such, his liberty deserves to be protected. Hence, the following order:

ORDER

(i) Appeal is allowed.

(ii) In the event of arrest of Appellant in connection with Crime No. 685 of 2026 registered with Nanalpeth Police Station, District Parbhani for the offences punishable under Sections 115(2), 132, 296, 351(2) of the Bharatiya Nyaya Sanhita and Sections 3(1)(r) & 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, he shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

(iii) He shall not contact the witnesses directly or indirectly.

(iv) He shall not interfere with the evidence in any manner whatsoever.

(v) He further directed to cooperate the investigating agency for further investigation.

6. Learned APP for the Respondent/State to communicate this order to the concerned Police Station.

7. The fees of the appointed learned Advocate is quantified at Rs. 10,000/-.

(R. M. JOSHI, J.)

ssp