



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 987 OF 2025

1. Vaishali Mahesh @ Masuram Kachre
 2. Mahesh @ Masuram Bhanudas Kachre
 3. Shrikant Mahesh @ Masuram Kachre
 4. Ganesh S/o Babasaheb @ Dadasaheb Dhanwade
 5. Shital w/o Datta Karpe
- ...APPELLANTS

Versus

The State of Maharashtra and Another

...RESPONDENTS

WITH
CRIMINAL APPEAL NO. 8 OF 2026

Surekha Bhagwat Kachare

...APPELLANT

Versus

The State of Maharashtra and Another

...RESPONDENTS

Mr. Borse Mayur Bharatrao, Advocate for the Appellants in Criminal Appeal No.987 of 2025

Mr. Shashikant E. Shekade, Advocate for the Appellant in Criminal Appeal No.8 of 2026.

Mr. V. M. Chate, APP for Respondent – State in both Appeals.

Mr. Amol Jagtap, Advocate for Respondent No.2 in both Appeals (Appointed through Legal Aid)

CORAM: ABHAY J. MANTRI, J.
DATE : APRIL 28, 2026

PER COURT :

1. The Appellants, being dissatisfied with the order dated 17th December 2025, passed by the learned Additional Sessions Judge, Beed, in Criminal Bail Application No.1184 of 2025 in connection with Crime

No.0334 of 2025, dated 27th November 2025, registered with Police Station Peth Beed, Dist. Beed, for the offences punishable under Sections 85, 352, 351(2), 3(5), 115(2) of the Bharatiya Nyaya Sanhita, 2023 (for short “**BNS**”), and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “**SC & ST Act**”), have preferred these appeals.

2. Heard Mr. Borse and Mr. Shekade, learned respective counsel for the Appellants, Mr. Chate, learned APP and Mr. Jagtap, learned counsel appearing for Respondent No.2.

3. It appears that, by order dated 26th December 2025, this Court (Vacation Court), after considering the material on record, granted protection to the Appellants, and the said order is continued till today.

4. Learned APP submits that the investigation is on the verge of completion, and within a short period, the Investigating Officer will file the charge-sheet in the Trial Court.

5. Learned counsel for the Appellants contended that there are no specific allegations against the Appellants that they have abused her with a caste slur, and therefore, the provisions of the SC & ST Act do not apply to the case in hand. The allegations, which learned counsel for Respondent No.2 is pointing out, are of the year 2021-2022 and, therefore, are not helpful to Respondent No.2 at this stage, and therefore, they urge confirmation of the

pre-arrest bail granted by this Court till the conclusion of the trial.

6. Learned counsel for Respondent No.2 strongly objects to the appeals, contending that there are specific allegations against the Appellants that they have harassed and ill-treated Respondent No.2 – Informant, and therefore, they are not entitled to confirmation of the bail. He further submitted that a separate FIR was filed against the Appellants for the incident of the year 2021-2022.

7. Learned APP also submitted that Section 85 of the BNS is a non-bailable offence; therefore, the Appellants are not entitled to bail.

8. Having considered rival contentions of the learned counsel and gone through the FIR and record, at the outset, it appears that the allegations levelled against the Appellants are vague and omnibus. The allegations made by Respondent No. 2, contending that the Appellants have abused her with a caste slur, are from the years 2021 and 2022 and are not recent. For that, Respondent No. 2 has lodged a separate FIR against the Appellants in the year 2021-2022. If the allegations in the FIR are taken in their entirety, they do not, prima facie, constitute an offence under the provisions of the SC & ST Act, but appear vague and omnibus. Therefore, in my view, prima facie, at this stage, the question of bar under Section 18 of the SC & ST Act does not arise.

9. All offences registered under the BNS except Section 85 of the BNS are bailable offences. Similarly, under Section 85 of the BNS, punishment is prescribed up to 7 years, and the Hon'ble Supreme Court, in a catena of judgments, has held that, in such cases, the accused are entitled to bail.

10. Thus, having considered the above discussions and the fact that the investigation is on the verge of completion, the Investigating Officer will file the charge-sheet in the Court shortly. In my view, custodial interrogation of the Appellants is not necessary in the present case. As such, I deem it appropriate to confirm the order dated 26th December 2025 passed by this Court (Vacation Court).

11. As a result, the order dated 26th December 2025 passed by this court (Vacation Court) is hereby confirmed in terms of clause (a) till the conclusion of the trial on the following conditions.

- (i) The Appellants shall attend the police station as and when called by the Investigating Officer till filing of the charge-sheet.
- (ii) The Appellants shall not tamper with the prosecution evidence till the conclusion of the Trial.
- (iii) Appellants shall not leave India without prior permission of the Court till the conclusion of the trial.

12. **The Appeals are disposed of.**

13. In both appeals, learned counsel for Respondent No.2 is appointed by the Legal Services Authority. Hence, the Secretary, High Court Legal Aid Services, is requested to quantify his fees in accordance with the Rules.

(ABHAY J. MANTRI, J.)