



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 23 OF 2026
WITH
CRIMINAL APPLICATION NO. 812 OF 2026
IN
CRIMINAL APPEAL NO. 23 OF 2026

1. Simrankaur w/o Tejpal Singh Pannu
 2. Tejpal Singh s/o Lakhvindersingh Pannu
- ...Appellants

Versus

The State of Maharashtra and Others

...Respondents

WITH
CRIMINAL APPEAL NO. 27 OF 2026
WITH
CRIMINAL APPLICATION NO. 817 OF 2026
IN
CRIMINAL APPEAL NO. 27 OF 2026

Rajvinderkaur w/o Aj eetsingh Chhatwal,

...Appellant

Versus

The State of Maharashtra and Others

...Respondents

Mr. Gangakhedkar Shailendra S, Advocate for the Applicants.

Mr. V. M. Chate, APP for Respondent – State.

Mr. Shankar G. Shete, Advocate for Respondent No.3.

CORAM : ABHAY J. MANTRI, J.

DATE : APRIL 18, 2026

PER COURT :

1. The Appellants in both Appeals have filed these Appeals challenging the rejection of the Bail Application by the learned Additional Sessions Judge / Special Judge, Nanded, in connection with Crime No. 0410

of 2023, registered with Vimantal Police Station, Dist. Nanded, on 13th December 2023, for the offences punishable under Sections 376(2)(n), 313, 315, 323, 504 of the Indian Penal Code (for short, '*I.P.C.*') read with Sections 3(1)(r), 3(1)(s), 3(2), 3(V), 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "*SC & ST Act*").

2. Heard Mr. Gangakhedkar, learned counsel for the Appellants, Mr. Shete, learned counsel for Respondent No. 3, and learned APP for the Respondent Nos 1 & 2 – State. Perused the Appeal memos along with annexures, as well as a copy of the charge-sheet produced on record.

3. On 12th December 2023, the Informant lodged a report with Vimantal Police Station against the Appellants and other persons, alleging that Accused No. 1 – Harjitsingh, in collusion with the rest of the accused persons, had committed rape on her and abused her with a caste slur between the period from 10th February 2020 to 04th October 2023. Based on the said report, the offence was registered against the Appellants and other Accused persons vide Crime No. 0410 of 2023.

4. Pursuant to registration of the offence, the Appellants in Criminal Appeal No. 23 of 2026 had filed Miscellaneous Criminal Bail Application No. 966 of 2026 before the learned Additional Sessions Judge, Nanded. The learned Additional Judge, vide order dated 18th December 2025, rejected the Application. Similarly, the Appellant in Criminal Appeal

No. 27 of 2026 has filed a Miscellaneous Criminal Bail Application No. 967 of 2025 before the learned Additional Sessions Judge. The learned Additional Sessions Judge, vide order dated 18th December 2025, rejected the Application. Feeling aggrieved by both orders, the Appellants have preferred these Appeals.

5. Mr Gangakhedkar, learned counsel for the Appellants, vehemently contended that the Appellants have not committed any offence; however, they have been falsely implicated in the crime to pressurise accused No. 1. He further submitted that all other accused persons are released on bail. The alleged prime accused, Harjitsingh Pannu, is also released on bail by the learned Additional Sessions Judge, Nanded; therefore, on the ground of parity only, the Appellants are entitled to bail, as the allegations against the present Appellants are lesser in nature than the allegations levelled against the prime accused, Harjitsingh.

6. During the course of arguments, he drew my attention to the Affidavit filed by the Informant before the learned Additional Sessions Judge, Nanded, on 01st December 2025 and submitted that the said Affidavit was affirmed before the Superintendent of the Court. In the said affidavit, she has categorically affirmed that no such incident as alleged in the FIR had occurred, but that, in a fit of anger, as the Appellants resisted her marriage with the accused No.1, Harjitsingh, she lodged a false complaint against the Appellants and others. He has also taken me through the FIR

and the allegations levelled against the Appellants. He submitted that the allegations against the Appellants are vague, and no specific allegations have been made against the Appellants regarding the commission of an offence under the provisions of the SC & ST Act. Therefore, prima facie, provisions of the SC & ST Act are not attracted against the Appellants in the present crime.

7. He further argued that even assuming the allegations made against the Appellant are of a serious nature, it does not appear that they have committed any offence under the provisions of the SC & ST Act. Therefore, he urged that the Appellants be released on bail.

8. On the other hand, learned APP and Mr. Shete, learned counsel for Respondent No. 3, have resisted the Appeals on the ground that the offence is a serious one and there are specific allegations against the Appellants about the commission of the crime. However, it is not disputed that all the accused persons, except the present Appellants, have been released on bail by the learned Sessions Court and this Court. Despite the said fact, they urged for the dismissal of the Appeals.

9. Having considered the above submissions, record, and charge-sheet, at the outset, it appears that the investigation in the present crime has been completed and the charge-sheet is filed in the Court. Filing of the charge-sheet itself indicates that nothing remains to be recovered from the possession of the Appellants. It also reveals that the prime accused,

Harjitsingh, was released on bail by the learned Sessions Judge. Similarly, other accused persons against whom serious allegations were made in the complaint are also released on bail. As compared to the allegations levelled against the prime accused – Harjitsingh, the allegations levelled against the present Appellants are of a lesser nature.

10. Apart from that, no specific allegations appear against the Appellants that they have abused the Informant with a caste slur or insulted her by using her caste name, or that the said incident occurred in public view, or they commit any act with the intention to humiliate the victim on account of her caste and therefore, in my view, the provisions of the SC & ST Act prima facie do not attract in the present crime against the Appellants.

11. For the sake of argument even assuming the allegations made against the Appellant – Simrankaur that she pushed the Informant into the room, or against the Appellant – Tejpalsingh that he had recorded video shooting of the Accused Harjitsingh and victim engaging in physical relationship, or the allegations against the Appellant – Rajvinderkaur that she forced her to keep a physical relationship with Accused Harjitsingh, however, it does not appear that they have committed any offence under the provisions of the SC & ST Act as prima facie nothing brought on record to indicate that they committed any act with an intention to humiliate the victim on account of her caste. Moreover, as per the allegations, the incident occurred prior to 2022, but till the lodging of the report, she had not made

any allegations; therefore, he submits that the Appellants be released on bail.

12. Thus, considering the above discussion, it seems that the investigation has been completed and the charge-sheet is also filed, and nothing remains to be recovered from the Appellants; therefore, in my view, custodial interrogation of the Appellants is not required in the present crime.

13. In the light of the above discussion, the Appellants are entitled to be released on bail.

14. As a result, both **the Appeals are allowed in terms of prayer clauses (c) and (d).**

15. The interim bail granted by this Court vide order dated 21st January 2026 is confirmed; however, the conditions imposed by the said order are modified as under:

- (i) The Appellants shall not tamper with the prosecution evidence till the conclusion of the trial.
- (ii) The Appellants shall not leave India without prior permission of the Court till the conclusion of the trial.

16. Mr. Shete, learned counsel appointed to represent Respondent No. 3 through the High Court Legal Aid Services Authority, as such, the learned Secretary of the High Court Legal Aid Services Authority is requested to quantify his fees as per the Rules.

17. In view of the disposal of the Appeals, nothing survives in the Criminal Application Nos. 812 of 2026 and 817 of 2026 and hence, the same are also disposed of.

(ABHAY J. MANTRI, J.)