



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 63 OF 2026

1. Shaikh Moin Shaikh Ahmmed Beldar
2. Shaikh Mosin s/o Shaikh Moin Beldar, **...APPELLANTS**

Versus

The State of Maharashtra and Others **...RESPONDENTS**

Mr. Kale Amol Gangadharrao, Advocate for the Appellants.
Mr. V. M. Chate, APP for Respondent – State.
Mr. Gaikwad Rahul Malhari, Advocate for Respondent No.3.

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

PER COURT :

1. The Appellants, being dissatisfied with the order dated 08th January 2026, passed by the learned Additional Sessions Judge, Hingoli, in Criminal Bail Application No.567 of 2025 in connection with Crime No.0574 of 2025 registered on 17th October 2025 with Hingoli Rural Police Station, Tq. & Dist. Hingoli, for the offences punishable under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (for short “**SC & ST Act**”) 1989 and under Sections 115(2), and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short “**BNS**”), have preferred this Appeal.

2. Learned counsel for Respondent No.3 urged that Respondent No. 3 may be granted time to file an Affidavit-in-Reply. However, on perusal

of the record, it appears that Respondent No.3 appeared in the matter on 10th March 2026 and thereafter, time was granted to file an Affidavit-in-Reply till 01st April 2026, then again till 16th April 2026. On 16th April 2026, by way of a last chance, time was granted with specific observations that no further time will be granted to Respondent No.3 for filing an Affidavit-in-Reply. Despite the foregoing, Respondent No. 3 failed to file the Affidavit-in-Reply to the Application; therefore, I am not inclined to grant further time.

3. Learned APP submits that on 31st December 2025, the charge-sheet has been filed in the Court. Filing of the charge-sheet itself indicates that the investigation has been completed; therefore, the charge-sheet is filed. All the documents are before the Court; therefore, I also do not find substance in the contention of the learned counsel for Respondent No.3 that he did not receive one document, and therefore, he is seeking time for filing the Affidavit-in-Reply, as the charge-sheet is already filed in the Court; as such, I am also not inclined to grant further time to Respondent No.3.

4. Heard Mr. Kale, learned counsel for the Appellants, Mr. Chate, learned APP for Respondent Nos. 1 and 2 – State, and Mr. Gaikwad, learned counsel appearing for Respondent No.3 and perused the charge sheet.

5. Learned counsel for the Appellants vehemently contended that, though the allegations levelled against the Appellants are taken as they are, it does not appear that the said incident occurred within public view; therefore,

the provisions of the SC & ST Act do not apply to the proceedings. He has taken me through the statements of the independent witnesses from the charge sheet, i.e., Champati and Janardhan. They have not stated anything that the accused persons abused the Informant with a caste slur, but only stated that the Appellants did not allow the Informant to harvest the soybean crop from the field; therefore, a false FIR has been lodged against the Appellants. As such, he urged their release on bail.

6. On the other hand, learned APP and the learned counsel appearing for Respondent No.3 vehemently opposed the application, contending that, in the FIR, the Appellants have abused her with a caste slur. Therefore, the provisions of the SC & ST Act are squarely applicable against them. They have pointed out the allegations; however, they failed to point out that any independent witness is supporting them or that the said abuse was made within public view. Learned counsel for Respondent No.3 further submitted that the independent witnesses also do not dispute the occurrence of the incident; therefore, the Appellants are not entitled to bail. He further drew my attention to the medical certificate dated 13th October 2025, issued by the Medical Officer, and submitted that in the said incident, the Informant has sustained three injuries and therefore urged for rejection of bail.

7. On perusal of the injury certificate, it appears that the Doctor has mentioned three injuries on the left shoulder, right lower leg, and chest,

and the nature of the injuries was shown as simple. However, in the FIR as well as the statement of the eyewitness Sangita, it is only alleged that Appellant No.1 – Shaikh Moin slapped on the face of the Informant and threatened her to kill. No witness has made allegations that Appellant No.1 had assaulted her on her left shoulder, right lower leg, and chest; therefore, prima facie, a discrepancy appears in the injuries mentioned in the medical certificate as well as the statements of the Informant and the witnesses in that regard.

8. Apart from that, bare perusal of the allegations made in the FIR as well as the statements of the witnesses, even if they are taken at their face value and in their entirety, do not prima facie constitute an offence under the SC & ST Act, as they are 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. Moreover, on perusal of the statement of the independent witnesses, Janardhan and Champati, prima facie, they have not stated anything that the Appellants have abused the Informant with a caste slur. Similarly, no independent eyewitness has stated that, in their presence, the Appellants abused the Informant with a caste slur; therefore, prima facie, the Informant has failed to demonstrate that the incident occurred within public view.

10. Similarly, as per the law laid down by the Hon'ble Supreme Court in Criminal Appeal No.951 of 2025 (*Sahil Ramesh Sonavane Vs. State of Maharashtra and Another*), in my view, considering the nature of the allegations made against the Appellants, they are entitled to confirmation of the ad-interim bail.

11. As a result, **the Appeal is allowed in terms of prayer clause (D), by confirming the ad-interim order passed by this Court on 03rd February 2026 in terms of Clause (iv).**

12. Conditions / Clauses (v) and (vi) of the said order are confirmed on the same conditions till the conclusion of the trial.

13. Condition / Clause (viii) is modified to the effect that the Appellants shall not leave India without prior permission of the Court till the conclusion of the trial.

14. Condition / Clause (vii) is not required to continue, as the charge-sheet is already filed in the Court.

15. **The Appeal is disposed of.**

(ABHAY J. MANTRI, J.)