



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 187 OF 2026

AZAR ALIAS AZHAR ASHRAFKHAN ASHRAF PATHAN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. Jadhav Hanumant P

APP for Respondent No. 1 : Mr. V.M. Chate

Advocate for Respondent No. 2 : Mr. Gajendra D. Jain

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CORAM : ABHAY J. MANTRI, J.

DATE : 24TH APRIL, 2026

PER COURT :

1. The Appellant being dissatisfied with the order dated 23.02.2026, passed by learned Additional Sessions Judge, Kaij in Criminal Bail Application No. 47/2026, thereby rejected the Bail Application in connection with Crime No. 57/2026, registered at Kaij Police Station, District Beed, dated 06.02.2026, for the offences punishable under Sections 3(1)(w)(i), 3(1)(w)(ii), 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has preferred this Appeal.

2. Heard the learned Advocate for the Appellant, learned Advocate for Respondent No. 2 and learned APP for Respondent No. 1.

3. At the outset, it appears that on 06.02.2026, at about 8 am, the Appellant had outraged the modesty of the Informant and, therefore, she has lodged the report at Kaij Police Station. Pursuant to the registration of the First Information Report, he was arrested on the same day. As such, he has moved an application before the learned Additional Sessions Judge for the grant of bail, which came to be rejected on 23.02.2026. Against the same, he has preferred this Appeal.

4. Learned APP and learned Advocate for Respondent No. 2 strongly opposed the Application. However, learned APP fairly submitted that the investigation is on the verge of completion and that, at the earliest, the Investigating Officer will file the charge-sheet in the Court.

5. Learned Advocate for Respondent No. 2 drew my attention to the allegations made in the FIR and submitted that the allegations are serious in nature. The Appellant is residing in front of the house of the Informant. Therefore, if he is released on bail, he may tamper with the prosecution's evidence. Therefore, he urged the dismissal of the Appeal.

6. Perused the FIR and case papers; it seems that since 06.02.2026, the Appellant has been in jail. The investigation is on the verge of completion, and the Investigating Officer will file the charge sheet at the earliest. Nothing remains to recover from the Appellant. Therefore, in my view, it would not be proper to detain the Appellant

behind bars. However, to dispel the apprehension of the prosecution, the stringent conditions can be imposed while releasing the Appellant on bail.

7. As a result, **the Appeal is allowed in terms of prayer clause 'C' and 'D'.**

8. The Appellant namely Azar @ Azhar Ashrafkhan @ Ashraf Pathan, be released on bail in connection with Crime No. 57/2026, registered at Kaij Police Station, District Beed, dated 06.02.2026, for the offences punishable under Sections 3(1)(w)(i), 3(1)(w)(ii), 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, *on furnishing PB and SB of Rs. 50,000/- [Rupees Fifty Thousand only] with one or two solvent sureties* in the like amount, on the following terms and conditions:

- i] The Appellant shall not tamper with the prosecution evidence in any manner till the conclusion of the trial.
- ii] The Appellant shall not leave India without prior permission of the court till the conclusion of the trial.
- iii] The Appellant shall furnish the contact details and residential address to the I. O./Police Station and the concerned Court, and shall keep the information updated, in case of any change.
- iv] Bail before the Trial Court.

9. Learned Advocate Mr. Gajendra D. Jain, **appointed by the Secretary, High Court Legal Services Sub-Committee**, Aurangabad. As such, the Secretary, High Court Legal Services Sub-Committee, Aurangabad, is requested to quantify the fees of the learned Advocate for Respondent No. 2 in accordance with the Rules and pay the same.

(ABHAY J. MANTRI, J.)

SPC