



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 218 OF 2026

1. Chaya W/o. Ramrao Maske
2. Sushila W/o. Bhaurao Maske
3. Usha W/o. Ramesh Maske
4. Nital W/o. Sopan Maske
5. Ranjana W/o. Dnyaneshwar Maske
6. Annapurna W/o. Ankush Maske ...Appellants

Versus

1. The State of Maharashtra
2. Victim ...Respondents

...

Advocate for Appellants : Mr. Vivekanand Manoharrao Maney

APP for Respondent No. 1 : Mr. V.S. Badakh

Advocate for Respondent No. 2 : Mr. Shirish Kamble

...

CORAM : ABHAY J. MANTRI, J.

DATE : 29TH APRIL, 2026

PER COURT :

1. Learned Advocate for Respondent No. 2/victim tendered a copy of the affidavit-in-reply on behalf of Respondent No. 2 in the Court.

The same is taken on record. Respondent No. 2 undertakes to upload a copy of the affidavit-in-reply online in the matter.

2. The Appellants/accused Nos. 11 to 16 in the First Information Report, being dissatisfied with the order dated 09.03.2026, passed by the learned Additional Sessions Judge-1, Hingoli, in Criminal Bail Application No. 76/2026, thereby rejected the Bail Application in connection with Crime No. 40/2026, dated 28.01.2026, registered at Kalamnuri Police Station, Dist. Hingoli, for the offences punishable under Sections 74, 76, 79, 189(2), 190, 191(2)(3), 118(1), 115(2), 351(2), 352, 126(2), 296, 191(3) of the Bharatiya Nyaya Sanhita, 2023, (for short, '**BNS**')and under Section 3(1)(w), 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short, '**SC & ST Act**') have preferred this Appeal.

3. Heard the learned Advocates for the Appellants and Respondent No. 2, as well as learned APP for Respondent No. 1/State and perused the copy of the charge-sheet produced on record and the affidavit-in-reply filed by Respondent No. 2.

4. According to the learned APP and learned Advocate for Respondent No. 2, the present Appellants and some other accused persons have been shown as absconding in the charge-sheet.

5. On 28.01.2026 at about 10:30 a.m., the incident took place. Accordingly, the informant, Shubhangi Khandare, lodged a report at the Kalamnuri Police Station alleging that all the accused persons, including the present appellants, came to her house, abused her and her family members with caste slurs, outraged her modesty, and assaulted her and her family members with iron rods, sticks and stones. The present Appellants also grabbed the hair of her mother and dragged her out of the house, and gave fist blows and kicks to her. They also sat on the chest of her mother and beat her. Some of them spit on their faces. Based on the said report, an offence came to be registered.

6. Learned Advocate for the Appellants vehemently contended that Appellants have not abused to the Informant nor her family members with a caste slur, also they have not assaulted her and her mother with intention to insult or intimidate or humiliate them being a member of the Scheduled Castes and Scheduled Tribes, within the public view and therefore, question of application of provisions of SC and ST Act, against the Appellants does not arise. However, the learned Additional Sessions Judge has not considered the said facts and erred in observing that the Appellants and co-accused abused the Informant or her family members on the caste in a filthy manner. Therefore, he urged to allow the Appeal.

7. On the other hand, learned Advocate for Respondent No. 2 and learned APP for Respondent No. 1, vehemently opposed the Appeal contending that the ingredients of Section 3(1)(w), 3(1)(r), 3(1)(s) and 3(2)(va), are attracted against the Appellants as they spitted on the face of Informant and her mother and others and thereby, humiliated them. They also assaulted them with the intention of insulting them. Therefore, under Section 18 of the SC and ST Act, they are not entitled to pre-arrest bail.

8. During the argument, learned APP tendered a copy of the injury certificate of victim Rama, Shubhangi, Vishwratna, Pavan and Punjab, on record as well as produced a copy of the panchnama about the transcript of the video recording before the Court and submitted that in the said video recording the presence of the Appellant Nos. 2, 5 and 6 is visible. They were present on the spot and committed the crime, and, therefore, they urged that they are not entitled to the pre-arrest bail and dismissal of the Appeal.

9. While dealing with the question of whether the provisions of the SC and ST Act are applicable against the Appellants or not, it is necessary to go through the FIR and charge sheet. On perusal of the FIR as well as the statements of witnesses, *prima facie*, no averments appeared against the Appellants that they have abused the Informant, victims or her family members with a caste slur. Still, allegations against

them are only that they grabbed the hair of her mother and dragged her out of the house, and gave fist blows and kicks to her and her mother. They also sat on the chest of her mother and beat her. Some of them spat on their faces. They sat on the chest of her mother and caused injury, and other accused persons spat on the face of the victims. However, victim Laxmi, i.e., the mother of the informant, was not referred to the medical examination. The said facts can lead to the inference that she did not sustain any injury and, consequently, she was not referred to a medical examination. Similarly, on perusal of the injury certificate of Informant – Shubhangi, it seems that she sustained only one injury, a contusion on the right ankle, and the nature of the injury is simple. Thus, *prima facie*, it creates a doubt about the allegations made in the FIR that Appellants beat the mother of the Informant by fist blows and kicks and also sat on her chest.

10. For the sake of argument, even if the allegations made in the FIR are true, it still does not appear that the Appellants beat them with the intention to insult, intimidate or humiliate the Informant or her family members. Nothing has emerged from the FIR and charge-sheet, statements of witnesses and, therefore, *prima facie*, it appears that if the allegations in the FIR as well as statements of witnesses are taken at their face value and accepted against the present Appellants in their entirety,

they do not constitute an offence under the provisions of the SC and ST Act. But the same appears to be vague and omnibus to the extent of these Applicants. Therefore, in my view, *prima facie*, at this stage, the question of bar under Section 18 of the SC and ST Act does not arise against these Appellants.

11. Considering the allegations in the FIR as well as the statement of the victim Laxmi, *prima facie*, it does not appear that the Appellants have abused, assaulted, or beaten her or her family members with the intent to humiliate or insult or intimidate them. Therefore, *prima facie*, the question of the application of provisions of the SC and ST Act does not arise.

12. The injury sustained by the informant, Shubhangi, is of a simple nature. There are no allegations against the present Appellants that they beat the Informant, Shubhangi, and her mother by means of any weapon. Therefore, the question of their custodial interrogation does not arise.

13. Apart from that, the investigation has been completed, and the police have filed the charge-sheet against all accused persons, indicating that accused nos. 3 to 17 are absconding, and there are no allegations in the FIR or in the statement of witness Laxmi that the Appellants were holding any weapons. Therefore, in my view, custodial

interrogation of the Appellants is not required in the present crime.

14. In the light of the above discussion, the Appellants are entitled to be released on bail. Consequently, the Appeal is allowed in terms of prayer clause 'B' and 'C'.

15. In the event of arrest of the Appellants, namely 1. Chaya W/o. Ramrao Maske, 2. Sushila W/o. Bhaurao Maske, 3. Usha W/o. Ramesh Maske, 4. Nital W/o. Sopan Maske, 5. Ranjana W/o. Dnyaneshwar Maske, 6. Annapurna W/o. Ankush Maske, be released on bail in connection with Crime No. 40/2026, registered at Kalamnuri Police Station, Dist. Hingoli, for the offences punishable under Sections 74, 76, 79, 189(2), 190, 191(2)(3), 118(1), 115(2), 351(2), 352, 126(2), 296, 191(3) of the Bharatiya Nyaya Sanhita, 2023, and under Section 3(1)(w), 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, ***on furnishing PB and SB of Rs. 50,000/- [Rupees fifty thousand] each with one or two solvent sureties*** in the like amount, on the following terms and conditions:

i] The Appellants shall not tamper with the prosecution evidence in any manner till conclusion of the trial.

ii] The Appellants shall not leave India without prior permission of the Court till the conclusion of the trial.

iii] The Appellants 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.

16. The Criminal Appeal is disposed of.

(ABHAY J. MANTRI, J.)