

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 11 OF 2026

Yusuf Anwar Shaikh ...Appellant
Versus
State Of Maharashtra And Anr. ...Respondents

Mr. Chinmay Godse, for the Appellant.
Mr. Rishikesh M. Pethe, APP, for the Respondent No.1-State.
Ms. Kanchan Pawar, for the Respondent No.2.
Mr. Pratik S. Patil, API, Bibwewadi Police Station, Pune City, is
present.

CORAM: R. M. JOSHI, J.

DATED: 13th MARCH, 2026

PC:-

1. During the course of the hearing, it is found that the Learned Special Court without dealing with the merits of the case and without recording any findings so as to whether any *prima facie* case is made out for applicability of provisions of the Atrocities Act, rejected the application holding that the Special Court has no jurisdiction. In this regard, the reliance is placed on the judgment of the *Division Bench of the Andhra Pradesh High Court in the case of Smt. Vidadala Rajani w/o. Kumara Swamy vs.*

*State of Andhra Pradesh*¹.

2. This Court has already taken a different view than the one taken by the Andhra Pradesh High Court. It is held by this Court by order dated 9th February 2026, passed in *Criminal Appeal (Stamp) No. 21477 of 2025, Omraje A. Kalbhor vs. State of Maharashtra and Anr.*, that mere recording of *prima facie* findings with regard to non applicability of the Atrocities Act, would not lead to the cessation of jurisdiction by the Special Court.

3. Since the Special Court has not dealt with the merit of the case, this Court refrains itself from recording any finding in this appeal for the first time. By doing so, there would be denial of an opportunity of appeal under Section 14A to the aggrieved party.

4. Learned Counsel for the Appellant submits that the liberty of the Appellant is protected by interim order dated 13th January 2026 and the same is extended till Special Court hears and decides the application afresh.

5. As a result of above discussion, following order is passed:-

ORDER

(i) The Appeal stands allowed.

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- (ii) In view of the above, the impugned order is set aside.
- (iii) The Criminal Bail Application No. 8203/2025 is relegated back to Special Court for a decision afresh on merit.
- (iv) The Special Court is directed to record findings with regard to *prima facie* case being made out or not attracting the provisions of the Atrocities Act and then to decide the Application.
- (v) It is clarified that the order impugned has neither been set aside on merit nor this Court has expressed any opinion / view with regard to the merits of the case.
- (vi) The Special Court is directed to decide the Bail Application within a period of four weeks from today.
- (vii) Interim relief granted by this Court remain in force for a period of six weeks from today.

(R. M. JOSHI, J.)

VDMokal/-