



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 02 OF 2026

Shubham Kisan Zade and two ors. **Vs.** State of Maharashtra

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

Mr. Manoj Mishra, Advocate for applicants.

Mr. Neeraj Jawade, AGP for respondent/State.

CORAM : ROHIT W. JOSHI, J.

DATE : 01.01.2026.

- . Leave to convert the Criminal Application into Criminal Appeal.
2. Leave to add the informant as respondent No.2.
3. Leave to amend the prayer clause in order to incorporate challenge to order dated 16.12.2025 passed by Sessions Judge, Gadchiroli in Criminal Bail Application No.292 of 2022.
4. Issue notice to the respondents, returnable on **14.01.2026.**
5. Applicant No.1 is husband, applicant No.2 is mother-in-law and applicant No.3 is a relative of applicant No.2, she is referred as Mawas Sasu of the informant in the FIR.
6. Perusal of the FIR will indicate that there is a marital discord between applicant No.1 and the informant. The informant has lodged a complaint against applicant no.1 (husband), applicant no.2 (mother-in-

law), her father-in-law and applicant No.3 based on which offence under Sections 85, 115 of BNS, Sections 3(1)(r), 3(1)(s), 3(1)(z), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Atrocities Act") r/w. Section 3(5) of BNS is registered against the present applicants and accused no.3 (father in law). The accused no.3 (father in law) is released on regular bail.

7. Perusal of the FIR will demonstrate that the allegations against applicant Nos.2 and 3 are that they were instigating applicant No.1 (husband) to part ways with the informant so that they could arrange his marriage with a girl belonging to their caste. Although it is alleged that the applicant No.2 used to abuse the informant the allegation is not regarding verbal abuse in the name of caste. Perusal of the allegations in the FIR against the applicant Nos.2 and 3, *prima facie*, do not make out a case under any of the provisions of the Atrocities Act.

8. As regards applicant no.1, it is stated that he has asked the informant to accompany him to a occultist and on a refusal, he had physically assaulted her. However the date, time and tentative period of the alleged assault are not mentioned in the FIR. Even if the said allegation of assault is taken on its face value, it does not appear that applicant No.1 had assaulted the informant because she belongs to particular Caste or Tribe.

9. In view of the aforesaid, even against the applicant No.1 *prima facie*, the offence under Atrocities Act is not made out.

10. In view of the above, by way of an interim order, it is directed that in the event of arrest of the applicants in relation to FIR No.1196 of 2025, registered with Police Station, Gadchiroli for offences punishable under Sections 85, 115 of IPC r/w Sections 3(1)r, 3(1)(s), 3(1)(z), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) and r/w. Section 3(5) of IPC be released on ad-interim anticipatory bail on executing PR bond and SB bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

11. The applicants shall not induce, threat or promise any witnesses, who are acquainted with the facts of the case, either personally or by way of electronic media.

12. Learned AGP waives service of notice for respondent/State.

(ROHIT W. JOSHI, J.)

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