

IN THE COURT OF ADDL.SESIONS JUDGE AT PAITHAN
DISTRICT AURANGABAD

MHAU170002002026



Criminal Bail Application No. 48/2026

Taherabi w/o Vajir Shaikh & Anr. Vs.

The State Maharashtra

Crime No. 64/2026, P.S. Paithan, Dist.

Chhatrapati Sambhajnagar.

Offence punishable u/s. 118(1), 118(2),

115, 352, 351(3) R/w 3(5) of BNS and 3

(1) (r), 3(1)(s) of SC & ST (Prevention of

Atrocities) Act.

ORDER BELOW EXHBIT 01

01. This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023 by applicant namely 1) Taherabi w/o Vajir Shaikh and 2) Ashu @ Ayasha Alim Shaikh for grant of anticipatory bail.

02. The Investigating Officer by filing his reply vide Exh. 04 has strongly opposed the application.

03. The informant served with notice. He appeared before the Court and orally requested for rejecting the application.

04. Heard learned counsel for the applicants and learned APP for the State. Perused the application, reply and case diary. At the outset, I would like to point out that, while entertaining an application for anticipatory bail in a crime under the SC and ST (Prevention of Atrocities) Act, Court is required to see whether the FIR discloses the commission of offence under the SC and ST Act and if it finds that the FIR does not disclose the offence under the SC and ST. Act, then only

the Court can entertain application for anticipatory bail. In this regard, it would be beneficial to quote the observations of Hon'ble Supreme Court in the case of *Pruthvi Raj Chauhan Versus Union of India* reported in (2020) 4 SCC 747 which reads as:-

“Where no prima facie offence is made out as shown in the FIR, in order to prevent miscarriage of justice the statutory bar would not apply”.

05. It is the submission of learned counsel for the applicants that no offence under the SC and ST Act is made out against the present applicants and therefore, the bar provided U/sec. 18 of the Act would not attract. I find substance in his submission. The FIR only shows the allegation against the applicants that they beat the mother of informant with fist and kick blows and abused and threatened to kill the nephew of the informant while the informant went to the house of applicants to ask the reason to Alim Vajir Shaikh as to why he slapped Amol Jagtap, the nephew of informant. There is nothing in the FIR to show that the present applicants abused the mother and nephew of informant on their caste. From the allegations in the FIR, it does not appear that applicants used any weapon in commission of alleged offence and therefore, their custodial interrogation is not required. There are no criminal antecedents of the applicants. The applicants are women. Therefore, I am inclined to grant anticipatory bail to the applicants. In the result, I pass the following order :-

ORDER

01] Application Exh.01 is allowed.

- 02] In the event of arrest, applicants namely 1) Taherabi w/o Vajir Shaikh and 2) Ashu @ Ayasha Alim Shaikh be released on execution of P.R bond of Rs. 15,000/- [Rs. Fifteen Thousand only] each and on furnishing surety in like amount on following conditions :-
- A. That applicants shall not commit similar type of offence.
 - B. That applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Investigating Officer or tamper with the evidence.
 - C. That applicants shall attend the concerned Police Station as and when called by investigating officer by written notice.
- 03] Inform to the concern police station accordingly.

Dated : 07.04.2026

(R.D.Gadwe)
Special Judge (under SC & ST Act),
Paithan.