

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

MHAU170002162026



**Criminal Bail Application No. 51/2026**

**Salim s/o Vajir Shaikh Vs. The State  
Maharashtra**

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

**Chhatrapati Sambhajnagar.**

**Offence punishable 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 EXHIBIT 01**

01. This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023 by applicant namely Salim s/o Vajir Shaikh for grant of anticipatory bail.
02. The Investigating Officer by filing his reply vide Exh. 06 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 applicant 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 applicant that no offence under the SC and ST Act is made out against the present applicant 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 applicant that he 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 applicant 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 applicant abused the mother and nephew of informant on their caste. From the allegations in the FIR, it does not appear that applicant used any weapon in commission of alleged offence and therefore, his custodial interrogation is not required. There are no criminal antecedents of the applicant. Therefore, I am inclined to grant anticipatory bail to the applicant. In the result, I pass the following order :-

**ORDER**

01] Application Exh.01 is allowed.

- 02] In the event of arrest, applicant namely Salim s/o Vajir Shaikh be released on execution of P.R bond of Rs. 15,000/- [Rs. Fifteen Thousand only] and on furnishing surety in like amount on following conditions :-
- A. That applicant shall not commit similar type of offence.
  - B. That applicant 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 applicant 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.