

MHND010014822026



**IN THE COURT OF SPECIAL JUDGE-2 (SCST), NANDED AT
NANDED
(Before : Shri. T.S. Solankar)
Cri. Bail Appln. No. 565/2026**

1)	Pathan Sameer Khan s/o. Jameel Khan, Age 25 yrs., Occ. Agri.,	APPLICANTS
2)	Farida Begum w/o. Jamil Khan Pathan Age 57 yrs. Occ. Household, Both R/o. Bendi, Tq. Kinwat, Dist. Nanded.	
3)	Parvin w/o. Shaikh Rahim, Age 39 yrs., Occ. Household, R/o. Sardar Nagar, Kinwat, Tq. Kinwat, Dist. Nanded.	
VERSUS		
	The State of Maharashtra, Through Kinwat Police Station, Tq. Kinwat, Dist. Nanded.	... RESPONDENTS

Appearance:

Ld. Adv. Mr. Syed Aribuddin, for the applicants/accused.

Addl. PP. Mr. P.V. Bulbule, for respondents /State.

Ld. Adv. R.N. Authe, for informant/victim

(A) CASE DETAILS		
1)	FIR No.	128/2026
2)	Date of FIR	03.06.2026
3)	Police Station, District and Statye	Kinwat, Tq. Kinwat, Dist. Nanded.
4)	Sections invoked	Sections 115(2), 352 read with 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s) & 3(2)(va) of

		the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
5)	Maximum punishment prescribed	Upto 7 years imprisonment and fine.
(B) CUSTODY AND PROCEDURAL COMPLIANCE		
6)	Date of Arrest	--
7)	Total period of custody undergone	--
(C) STATUS OF TRIAL		
1)	State of proceedings (investigation/ Charge-sheet/ cognizance/framing of charges / trial	Investigation
2)	Total number of witnesses cited in the charge-sheet.	N.A.
3)	Number of prosecution witnesses examined.	N.A.
(D) CRIMINAL ANTECEDENTS		
1)	FIR No. & Police Station	--
2)	Sections	--
3)	Status	--
(E) PREVIOUS BAIL APPLICATIONS		
1)	Court	Nil
2)	Case No.	--
3)	Outcome of case	--
(F) COERCIVE PROCESSES		
1)	Whether any Non-bailable warrant was issued	N.A.
2)	Whether declared a	No

	proclaimed offender	
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ORDER BELOW EXH. 1

(Date : 27.07.2026)

By this application the accused (hereinafter the ‘applicant’) has sought pre-arrest bail in connection with Crime no. 128/2026 registered at Kinwat Police Station for the offences punishable under Sections 115(2), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023(for short ‘BNS’) and Section 3(1) (r), (s) and Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short ‘ SCST Act’).

2. Brief facts of prosecution case:-

2.1 The informant/victim *vide* her report dated 02.05.2026 has alleged that she was traveling in her car with her relatives. While overtaking from Shivaji Chowk to Gugunda, her car received dash by car bearing registration no. MH-04-FB-8899. That time, driver of said car got down and assaulted driver of the victim with fist and blows. When the victim went to intervene that time, the applicant by putting his hand on the chest of victim pushed her away. The applicant further gave shoulder blow on the chest of her niece and pushed her aside. Then, the applicant gave kicks on the stomach of the victim. The other two women from said car assaulted victim and her niece with fist and blows.

2.3 It is further alleged that the applicant is habitat of Bendi Tanda and his relative is having radium shop at Gokunda. She used to come for preparing banner, that time, she noticed

applicant sitting there. She knows him. The applicant knows that the victim belongs to Tribal Community. It is further alleged that when the victim said to him that she(they) are tribal women. But applicant said 'you belongs to any caste, whether Gaud or Pradhan, it does not make any difference. Despite, knowing caste of the victim, the applicant misbehaved with her. He did not listen to the people who tried to pacify the dispute. On this premise, report was lodged.

3. Heard Learned advocate Mr. Sayyed Aribuddin for the applicant, learned APP Mr. P.V. Bulbule for the State and Learned advocate Mr. R.N. Authe for the informant/victim. Perused application, documents, say and objection affidavit.

4. Learned advocate Mr. Sayyed Aribuddin for the applicant argued that there was absolutely no material to show that the applicant assaulted the victim because she was member of Scheduled Caste. The cause root of the dispute was giving dash to the car and nothing else. The allegation made in the FIR does not make out case under any of the provisions of SCST Act. Nothing is to be revered or discovered. The bar under Section 18 of the SCST Act is not attracted as there is no *prima-facie* case. No custodial interrogation is necessary. Hence, prayed to grant anticipatory bail.

5. *Per contra*, learned Spl. DGP Mr. R.N. Deshmukh for the State contended that the applicants were aware about the caste of the victim that, she belongs to Gaud community which is tribal. The name of the applicants are mentioned in the FIR. There

are specific allegations. Therefore, the custodial interrogation is necessary. Accordingly, prayed to reject the bail application.

6. In pursuance of notice to the informant/victim, she appeared through Ld. advocate Mr. R.N. Authe and filed objection affidavit Exh.10 reiterating contents of the FIR. Further, she has stated in the affidavit that, the applicants have been pressurizing her to withdraw the case else threatened kill her. It is also stated that, applicants said to her that, since last 14 days, police did not touch them, therefore, nothing will happen to them. Accordingly, they are pressurizing to withdraw the case. Hence, prayed to reject the application.

7. I have gone through the bail application as well as taken into account rival submissions of all parties. It appears that, the incident occurred on 02.05.2026, however, FIR is lodged on 03.06.2026. It means there is a substantial delay of more than 1 month in lodging First Information Report against the accused.

8. So far as bar of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is concerned, it is well settled that, the bar contained under Section 18 of said Act is absolute, however, said bar comes into picture only when there is *prima facie* case against the accused persons. For that, the Court needs to take into account the FIR and allegations.

9. On perusal of FIR, it can be gathered that, the informant/victim and the applicants were going by road and the

applicants while trying to over take the victim and gave dash to the car of the victim. Thereafter, the driver got down from the car and assaulted car driver of informant. This clearly indicates that, the dispute was not on account of caste of the victim, but appears to be arisen out of sudden dash given to the victim's car.

10. The allegation that, the applicants intentionally insulted victim in a public view because she belonged to Scheduled Caste and also appears to be vague for the reason that, there is no clear allegation about since the victim belonged to Gaud caste, therefore, said incident taken place. Moreover, even assuming that, there was scuffle between the victim's and applicants' party still said scuffle was not occurred on account of the victim belonged to lower caste. Moreover, there is no allegation against the other woman i.e. applicant no.2 and 3 about knowledge of the caste of the victim at the time of incident.

11. The allegation that, तुम्ही कोणत्याही जातीचे असो, गोंड राहू द्या की, प्रधान राहू द्या, आदीवासी राहू द्या मला कांही फरक पडत नाही and despite knowledge that victim being member of Tribal community, the applicant no.1 misbehaved with the informant and abused her is not well founded.

12. The allegation that, the informant used to visit radium shop of applicant no.1's relative at Gokunda for the purpose of preparation of banner and therefore, the applicant no.1 knows the caste of informant also appears to be very vague statement. Therefore, considering over all aspect, I find that, no *prima facie* case is made out under Section 3(1)(r), 3(1)(s) read with 3(2)

(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, hence, bar under Section 18 of the said Act is not attracted and, in such situation, the applicants are entitled for protection.

13. On police say report Exh. 5 the possibility of committing body offence or pressurizing the witnesses is apprehended. Therefore, rejection is sought. I find that, the said apprehension is unfounded for the reason that, there is a inordinate delay of more than one month in lodging FIR. Moreover, the police papers filed on record goes to show that, necessary investigation is carried out in the crime, and, hence, I do not find any need of custodial interrogation of the applicants. Additionally, there appears to be no antecedents against the applicants. In the result, I am inclined to grant bail.-

ORDER

1]	The application is allowed.
2]	In the event of arrest of the applicant 1) Pathan Sameer Khan s/o. Jameel Khan, 2) Farida Begum w/o. Jamil Khan Pathan and 3) Parvin w/o. Shaikh Rahim , in connection with Crime No.128/2026 registered at Kinwat Police Station, Tq. Kinwat, Dist. Nanded for the offences punishable under Sections 115(2), 352 read with 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, they be released on anticipatory bail on furnishing P.R.bond of Rs. 50,000/- each and sureties in the like amount on following conditions:-

	(a)	The applicants shall attend Kinwat Police Station on every Sunday between 10.00 a.m. to 2.00 p.m. till the filing of charge-sheet.
	(b)	The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer or tamper with the evidence.
	(c)	The applicants shall not commit an offence similar to the offence of which they are suspected.
	(e)	The applicants shall not leave India without previous permission of this Court.
3]	Inform concerned Police Station accordingly.	
4]	In the above terms, application is disposed of.	

Date :- 27.07.2026

(T.S. Solankar)
Special Judge-2 (SCST),
Nanded.

Certificate

I affirm that the contents of this P.D.F. file Judgment are same word to word, as per the original judgment.

Name of Stenographer	:	B.R. Khindre, Steno Grade-1
Court Name	:	District Judge-2 and Addl. Sessions Judge, Nanded.
Date of Order/Judgment	:	27.07.2026
Judgment signed by Presiding officer	:	27.07.2026
Judgment uploaded on	:	27.07.2026

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