

**Order below Exh. No.1 in Cri. Bail Application No.253 of 2026**

(CNR No.MHOS010009592026)

Shaikh Azhar Shamshoddin .. v/s.. State

1. This application is filed by the applicant under section 482 of Bharatiya Nagarik Suraksha Sanhita for grant of anticipatory bail in Crime No.189/2026 registered at Dharashiv City police station for the offences punishable under sections 118 (1), 119 (1), 352, 351 (2), 3 (5) of Bharatiya Nyaya Sanhita and section 3(1)(r), 3 (2) (va), 3 (1) (s) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

2. Notice issued to the respondent/State and the respondent filed its say vide Exh.11 through Shri. M. B. Deshmukh, the learned Public Prosecutor for the State. After hearing the learned counsel for both the sides and perusal of the documents and police papers, the only question arises before me is as to whether the applicant is entitled for anticipatory bail and my answer to the same is in the negative, for the reasons which discussed as follows:

**REASONS**

3. The learned counsel on behalf of applicant submitted that, in FIR having the reference of the name of this applicant. Hence, in his mind having apprehension of his arrest. Therefore, he filed this application for seeking protection from his arrest. As per the contents of FIR nowhere disclosed active and prima-facie involvement of the applicant with the alleged crime. The allegations levelled in FIR are vague and common in nature. This

applicant is not having the knowledge of the caste of informant. Hence, the provision of S.C. and S.T. (Prevention of Atrocities) Act are not attracted against this applicant. So also, bar of section 18 of the aforesaid Act, for grant of anticipatory bail is also not come in picture. There is delay for lodging FIR and that delay is not explained anywhere properly. Thus submit that, applicant is only earning member in his family, he is resident within the jurisdiction of this Court and having movable and immovable property within the jurisdiction of this Court. Hence, he may be released on anticipatory bail on imposing certain conditions.

4. On the other hand original informant, investigation authority and learned DGP through their respective say vide Exh.7, Exh.10 and Exh.11 objected anticipatory bail application on the grounds mentioned therein i.e. submit that, as per the contents of FIR disclosed active and prima-facie involvement of the applicant in the alleged crime with particular role which played by him in the alleged crime. Then submit that, as per the provision of section 18 of S.C. and S.T. (Prevention of Atrocities) Act, having bar for grant of anticipatory bail, when appears active and prima-facie involvement in the so called crime. Hence, in view of said provision of the aforesaid fact, applicant due to his active involvement in the alleged crime, not entitled to seek the protection of anticipatory bail.

5. Further submitted that, in this crime yet muddemal i.e. iron rod by which assaulted to informant and the cash amount, which lost in the alleged incident from the pocket of

informant is / are not seized. As well as investigation is in progress. Hence, for investigation of this crime custodial interrogation of the applicant is warranted.

6. Applicant intentionally parked his auto rickshaw in front the motorcycle of informant and abusing him on his caste in public place with intention to humiliate him in the eyes of public / society. Thus, submit that, if this applicant is released on anticipatory bail then possibility of his absconding, not to co-operate for smooth investigation of this crime, hampering and tampering the evidence of prosecution, threatening to informant and his family member, repetition of similar type of offence or any other offence cannot be ruled out. Hence, anticipatory bail application filed by applicant may be rejected.

7. Thus considering rival submissions as advanced by both sides learned counsels and carefully gone through entire record, it appears that, as per the contents of FIR disclosed active and prima-facie involvement of the applicant in the alleged crime alongwith his particular role i.e. appears that, this applicant is one of the culprit of this crime against him having allegation of assaulting to informant by iron rod and having allegation of taking the cash amount of informant from his pocket. Thus, in view of his active and prima-facie involvement in the alleged crime, he is not entitled to seek the protection of anticipatory bail.

8. Then it is a fact that, as per the provision of section 18 of S.C. and S.T. (Prevention of Atrocities) Act, there is bar for grant of anticipatory bail when prima-facie and active

involvement of the accused / applicant appears as per the contents of FIR. In the case in hand as per the contents of FIR, disclosed prima-facie and active involvement alongwith particular role of the applicant alleged which played by him in the alleged crime. Means appears that, this applicant is main culprit of this crime. Hence, in view of the provision of bar of section 18 of the S.C. and S.T. (Prevention of Atrocities) Act, I hold that, applicant is not entitled to seek the protection of anticipatory bail.

9. Then if informant and his brother assaulted to the applicant is his case then why he has not lodged complaint on the day of incident or thereafter, is not explained by him in his application anywhere. On the contrary, informant due to his examination of C.E.T. and NEET and due to his medical treatment at Civil Hospital, Dharashiv lodged complaint after 08 to 10 days of alleged incident. The said delay at this stage not create any doubt about the case of informant. Hence, in view of that delay also, applicant is not entitled to seek the protection of anticipatory bail.

10. Then it is a fact that, in this crime yet required muddemal i.e. iron rod, cash amount of informant is/are not recovered. As well as investigation is in progress. So also, informant objected the bail application of applicant on the grounds mentioned in his say. As well as investigation authority and learned DGP also objected bail application on the grounds mentioned in their say and in that ground showing / having substance. Thus, considering that, investigation is in progress and

for smooth investigation of this crime custodial interrogation of the applicant is warranted. Hence, in result of above reasoning, I proceed to pass the following order.

**ORDER**

Anticipatory Bail Application No.253/2026 is hereby rejected.

Date :- 09.06.2026

[ S. G. Thube ]  
Judge, Fast Track Special Court,  
Dharashiv.

C E R T I F I C A T E

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

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|--------------------------------------------------------|----------------------------------------------------|
| Name of Stenographer                                   | Mahesh Abhimanyu Pawar<br>Stenographer ( Grade-I)  |
| Name of Court                                          | Fast Track Special Court,<br>Dharashiv (Osmanabad) |
| Date of order/Judgment                                 | 09.06.2026                                         |
| Date of order/judgment signed<br>by presiding officer. | 09.06.2026                                         |
| Judgment/Order uploaded on                             | 09.06.2026                                         |