

IN THE COURT OF DISTRICT JUDGE-3 & ADDITIONAL SESSIONS
JUDGE, WASHIM

(Presided over by M. S. Sahasrabudhe)



Spl. Atrocity Case No.26/2026
State x Shaikh Mahemud
CNR No.MHWS010003572026

ORDER BELOW EXHIBIT No.13
(Passed on 20th day of June 2026)

The present application is filed by the applicants under Section 482 of B.N.S.S. in crime No.118/2026 of Risod Police Station registered for the offences punishable under Sections 351(3), 296, 3(5) of BNS, 2023 & Sections 3(1)(r)(s) & Sec.3(2)(va) of SC & ST [Prevention of Atrocities], Act.

2. In brief it is the contention of the applicants that FIR was lodged by the informant alleging that she had filed Crime no.997/2025 against the applicants. The said case is pending before the court. On 28/01/2011 at about 12 pm the informant went to the court for attending the Court. But she came out applicant came near her and threatening her to withdraw the case. For the said demand they had abused her in filthy language and by abusing her on her caste. When the informant refused to withdraw the case accused Shaikh Maheboob had threatened her by putting knife on her throat and had used abusive language. As such the informant has lodged report.

3. It is the contention of the applicants that there is delay in lodging FIR. The said delay is not explained. The applicants have recently obtained anticipatory bail in Crime no.997/2025 and being aggrieved by the same, false report is given against them by the applicants. The informant was continuously threatening the applicants for implicating them in false case. Nothing is to be recovered from the

possession of the applicants and investigation is also complete. Applicant no.1 heart patient and no.2 is female. The Hon'ble High Court had granted anticipatory bail to one of the accused and on the same grounds anticipatory bail is to be given to the applicants. If at all applicants are arrested their image in the society would be ruined. The informant had filed similar cases against other people in the village. Actually, the applicants have also lodged crime no.124/26 against the informant on the ground that they are having apprehension that informant might lodge false cases against them. Considering all these facts anticipatory bail be given to the applicants. The applicants are ready to abide any condition imposed by the Court. Hence, they have prayed that their application for grant of anticipatory bail be allowed.

4. The said application is strongly opposed by Ld.Add.PP and I.O by filing say below Exh.14. It is their contentions that the applicants have pressurize the informant for withdrawing the report given by her in Crime no.997/2025. On the same ground they have pressurize and threatened the informant. The applicant had used knife for the commission of the offence which is yet to be recovered. The offence is of a serious nature. If at all application for anticipatory bail is allowed, there is possibility that accused might commit similar offence, they might tamper the prosecution evidence and might threaten the prosecution witnesses.

5. The informant had intervened in the matter through his advocate and filed say below Exh.18. It is her contention that the application is without merits. The applicants are pressurizing the informant for withdrawing the case. For the said demand the applicants are also threatening the informant and when the informant refused to withdraw the case applicant no.1 by use of knife have

threatened to kill the informant and had abused her in extremely filthy language by referring her caste. The reason for delay in already mentioned in the FIR. The applicants were absconding since inception and they have not co-operated in the investigation. Initially, the informant has lodged report against the applicants and as counter blast they have lodged prosecution against the informant. The offences levelled against the applicants are very serious in nature. If at all they are released on anticipatory bail then they will again pressurize the informant and the victim. Further there is bar u/s 18 and 18A of SC & ST Act for granting anticipatory bail to the applicants.

6. Thus, according to the informant the allegation against the applicants are well founded and their custodial interrogation is necessary for proper investigation. The applicants/accused are likely to threaten and intimate the informant and family members. The accused were absconding since inception and said investigation is not complete, the weapon is yet to be recovered and hence the application for grant of anticipatory bail be rejected.

7. Heard Ld. Advocate for the applicants/accused, Ld. APP and Ld. Advocate for the informant at length. The Ld. Advocate for the applicants in support of his argument that though it is contention of IO that alleged weapon is to be recovered still custodial interrogation of the applicants is not necessary. So also, as no offence is made out against the applicants, anticipatory bail needs to be granted to them though they are shown as absconding, has placed reliance on following authorities :

i] **Criminal Application (ABA) No.321/2024, Abdul Hamid Mohd. Rafique vs. State of Maharashtra, dated 03/07/2024** wherein it is held by Hon'ble Bombay High Court that, “ *The applicant has attempted to*

assault the injured by means of wooden log but the injured has not sustained any bleeding injury in the said incident. Due to the assault by the present applicant, he has sustained the simple injury. Now, wooden log is also recovered, therefore custodial interrogation of the present applicant is not required. In view of that interim protection granted to the present applicant deserved to be confirmed.

ii] Hariom Munnalal Solanki vs. The State of Maharashtra, Criminal Appeal No.1220/2023, dated 22/01/2024 wherein it is held by Hon'ble Bombay High Court that, “ *Given the lack of prima facie evidence and the principle that anticipatory bail should be granted in exceptional cases where no offence is made out, the appeal for bail is allowed.*”

iii] Deepankar Vishwas vs. State of Madhya Pradesh, 2025 All MR (Cri)Journal 65, wherein it is held by Hon'ble Madhya Pradesh High Court that, “ *Where proceeding u/Ss. 82 /83 and 299 of Cr.P.C.(84/85 and 335 of BNSS) have been initiated against accused and/or he declared proclaimed offender, application for anticipatory bail would be maintainable. However, such consideration and grant of anticipatory bail to accused would depend upon gravity and seriousness of offence involved therein. Such power should be exercised in a very cautious manner and in extreme and exceptional cases only in interest of justice. Application for anticipatory bail is maintainable even if charge sheet has been filed showing accused as declared absconder. ”*

iv] Vijay Subodh Patil vs. The State of Maharashtra & Anr, 2022 ALL MR (Cri) 2814, wherein it is held by Hon'ble Bombay High Court that, “ *Observation by judge that , “Though recovery was yet to be effected, yet the offence being later in point of time and more particularly when*

the Informant being from the group of a person who is admittedly political heavy weight, some degree of exaggeration cannot be ruled out.” Not proper, in absence of material before Judge to establish it..”

8. Similarly, Ld. advocate for the informant in support of her submission that anticipatory bail cannot be granted to the persons who were absconding and has not co-operate the investigation has placed reliance on following authorities :

i] **State of Madhya Pradesh vs. Pradeep Sharma, 2014 ALL SCR 270** wherein it is held by Hon’ble Madhya Pradesh High Court that, “ *Accused persons charged for causing death of their rival by administering poison. Confessional statements of other accused and medical evidence supporting prosecution case. Accused persons absconded from the date of incident, did not appear even after proclamation u/s.82. Considering serious offence and particularly that accused persons were absconders, held grant of anticipatory bail not sustainable. Order liable to be quashed and set aside.*”

ii] **Lavesh vs. State (Nct Of Delhi), Criminal Appeal No.1331/2012 dated 31 August, 2012** wherein it is held by Hon’ble Court that, “ *From these materials and information, it is clear that the present appellant was not available for interrogation and investigation and declared as “absconder”. Normally, when the accused is “absconding” and declared as a “proclaimed offender”, there is no question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code is not entitled the relief of anticipatory bail.*”

9. Considering submissions of both the sides, so also on perusal of the record and case diary, it appears that the informant had made allegations that both the accused had threatened her in the public place with the use of knife and had abused her in extremely filthy language by referring her caste, for withdrawing the case. In the case in hand, though charge-sheet is filed still both the applicants/accused are shown to be absconding. Thus, it can be gathered that the applicants have not co-operated the investigation and were absconding since inception.

10. It also needs to be appreciated that as per contention of informant, she has lodged criminal proceeding against the applicants and some other accused. It is also matter of record that applicants were granted anticipatory bail in the said proceeding. It is the contention of the informant that after being released on bail the applicants are threatening her to withdraw the previous prosecution. Thus, the accusations appears to be well founded and it cannot be said that no offence is made out against the accused.

11. So also, the present proceeding are initiated under SC & ST Act and from allegations made in the report prima facie the allegations appeared to be well founded. In the said circumstances, bar u/s 18 of SC & ST Act would be attracted and anticipatory bail cannot be given to the applicants. Further it is contention of informant as well as IO that accused have not cooperated in investigation and weapon of offence is yet to be recovered. In the said circumstances custodial interrogation of the applicants is necessary. The said facts of the case in hand totally differ from the facts mentioned in the authorities relied upon by Ld. Advocates for both the sides. Hence, the ratio in the authorities will not be helpful to them at this stage of the proceedings.

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12. In view of all the above said discussion I do not find merits in the present application and accordingly I proceed to pass following order.

ORDER

Application is rejected.

Place : Washim

Date : 20/06/2026

(M. S. Sahasrabudhe)

Addl. Sessions Judge, Washim.

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CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original order :-

Name of the Stenographer	:- R.K.Pawar, Stenographer (Grade-1)
Court Name	:- District Judge-3 & Additional Sessions Judge, Washim
Date	:- 20/06/2026
Order signed by the Presiding Officer on	:- 20/06/2026
Order uploaded on	:- 20/06/2026