



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

920 CRIMINAL APPEAL NO. 170 OF 2026

Sohail Ameer Alias Babu Pathan

VERSUS

The State Of Maharashtra And Another

...

Mr. Abhaysinh K. Bhosle, Advocate for Appellant

Mr. K. S. Patil, APP for Respondent State

CORAM : Y. G. KHOBRAGADE, J.

Dated : 1st April, 2026

PER COURT :-

1. Heard learned counsel for the appellant.
2. By the present Appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant/original accused takes exception to the order dated 17.02.2026 passed by the learned Special Judge (SC& ST Atrocities Act), Majalgaon Dist. Beed, in Criminal Bail Application No. 40 of 2026, whereby the learned Special Judge declined to release the present appellant on pre-arrest bail in connection with Crime No. 003/2026, registered with Majalgaon Gramin Police Station, District Beed, for the offences punishable under Sections 118(2), 118(1), 115(2), 352, 351 (2), 3(5) of the Bharitya Nyaya Sanhita and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. On perusal of the FIR dated 01.01.2026, it appears that on 27.01.2025, at about 6.00 p.m., when the informant alongwith his friends were standing in front of a grocery shop of Balu Chate, at that time, the appellant Sohail and his father Babu Pathan visited there and abused the informant on his caste, so also the appellant took out a knife from his waist and assaulted the informant on his back and stomach, due to which, he sustained grievous injuries.

4. On the face of it, the FIR does not disclose the use of any casteist slurs by the appellant against the informant with the intent to insult him within the public view. Therefore, considering the nature of the offence and the law laid down by the Hon'ble Supreme Court in **Kiran v. Rajkumar Jivraj Jain & Anr. (2025)**, the appellant has made out a prima facie case for enlargement on pre-arrest bail until the next date. Hence, I proceed to pass the following order:

ORDER

- (i) Issue notice to the respondents, returnable on 22.04.2026.
- (ii) The learned APP waives service of notice on behalf of respondent Nos.1.
- (iii) In the meantime, in the event of arrest, the appellant

be released on bail in connection with Crime No. 003/2026, registered with Majalgaon Gramin Police Station, District Beed, on execution of P. R. bond of Rs.50,000/- with two solvent sureties in the like amount.

- (iv) The appellant shall not induce, threat or pressurize the prosecution witnesses.
- (v) The appellant shall not commit similar offence in future and cooperate with the Investigating Officer.
- (vi) The appellant is directed to appear before the concerned Investigating Officer on 02.04.2026 at about 11.00 a.m.
- (vii) For the purpose of recovery of the weapon (knife) allegedly used in the commission of the offence, the appellant-accused shall be deemed to be in the custody within the meaning of Section 27 of the Indian Evidence Act, 1872.

(Y. G. KHOBRAGADE, J.)