



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 441 OF 2026

1. Shamal @ Shamalbai Anantrao Pawar
2. Anant Baburao Pawar
3. Rushikesh Anant Pawar ..APPELLANTS

VERSUS

1. State of Maharashtra
2. Laxmi Pandit Chaure ..RESPONDENTS

....
Mr. D.M. Shinde, Advocate h/f Mr. P.S. Pawar, Advocate for Appellants
Mr. V.S. Badakh, A.P.P. for Respondent no.1 - State

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CORAM : ABHAY J. MANTRI, J.
DATE : 08th JUNE, 2026

PER COURT :

1. The Appellants have filed this Appeal for the grant of pre-arrest bail in connection with Crime No. 85 of 2026 registered with Yusuf Wadgaon Police Station, Dist. Beed for the offences punishable under Sections 351(2), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, '*BNS*') and under Sections 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, the '*Atrocities Act*').
2. Heard learned counsel for the Appellants and learned A.P.P. for Respondent No.1 – State. Perused the F.I.R. and record.

3. Learned counsel for the Appellants has taken me through the F.I.R. and submitted that there is no specific averment in the F.I.R. that the Appellants have abused the Respondent No.2 / Informant with a caste slur. However, the learned Sessions Court erred in observing in Paragraph No.9 of its order that the Appellants abused Respondent No.2 / Informant with a caste slur. Therefore, he submitted that till appearance of Respondent No.2 / Informant, the Appellants may be protected.

4. Learned A.P.P. submitted that he has not received instructions. However, he does not dispute that in the F.I.R., there is no averment that the Appellants have abused Respondent No.2 / Informant with a caste slur.

5. In view of the submissions and record, I found substance in the contentions of the learned counsel for the Appellant, and as such, I deem it appropriate to protect the rights of the Appellants till the appearance of the Respondent No.2. Consequently, ***ad-interim relief is granted in terms of prayer clause (c) till the next date.***

6. In the event of arrest of the Appellants, in connection with Crime No. 85 of 2026 registered with Yusuf Wadgaon Police Station, Dist. Beed for the offences punishable under Sections 351(2), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,

1989, till the next date, they be released on furnishing P.B. and S.B. of Rs.1,00,000/- (Rupees One Lakh) each with one or two solvent surety/ies in the like amount on the following conditions:-

- (i) The Appellants shall attend the Yusuf Wadgaon Police Station, Dist. Beed, on Friday between 11:00 a.m. to 01:00 p.m. and thereafter as and when called by the Investigation officer, till the next date.
- (ii) The Appellants shall not tamper with the prosecution evidence in any manner till the next date.
- (iii) The Appellants shall not leave India without prior permission of the Court till the next date.

7. Issue notice to the Respondents, returnable on 22nd June, 2026. Learned A.P.P. waives service of notice for Respondent No.1 – State. Respondent No.1 is directed to serve the notice to Respondent No.2 by the returnable date.

(ABHAY J. MANTRI, J.)

SSD