



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR**  
**BENCH, NAGPUR**

**CRIMINAL APPEAL NO. 615 OF 2024**

1. Kailash Sandu Wagh  
Aged 27 yrs. Occu. Labour and shepherd
2. Sidheshwar Shivaji Gholap  
Aged 22 yrs. Occu. Labour and shepherd  
Both R/o Godri, Tq. Chikhli, Dist. Buldana

**....APPELLANTS**

**....VERSUS....**

1. State of Maharashtra,  
Through Police Station Officer,  
Police Station Chikhli, Dist.  
Buldhana
2. Arjun Vamanrao Pawar,  
Age 31 years, Occupation:Agriculture,  
Residing at Palaskhed Daulat Shivar,  
Chikhli, District, Buldhana.

**....RESPONDENTS**

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Shri Mir Nagman Ali, Advocate for appellants.  
Shri S.V. Narale, APP for respondent/State  
Ms R.M. Mishra, Advocate (appointed) for respondent No.2  
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**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 10/12/2024**

**ORAL JUDGMENT**

Heard.

2. **Admit.**

3. Present appeal is preferred under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, challenging the order passed by the Additional Sessions Judge, Buldhana, in Crime No. 544/2024, registered with Police Station Chikhli, District Buldhana, for the offences punishable under Sections 109, 189(2), 191(2), 191(3), 190, 131, 118(1), 352, 351(2), 351(3) of the Bhartiya Nyaya Sanhita and Sections 3(2)(v)(va) of the S.C.S.T. (Prevention of Atrocities) Act, 1989, by which, bail application of the present appellants is rejected.

4. The crime is registered on the basis of report lodged by Arjun Wamanrao Pawar, who alleged that on 17/07/2024 at about 10:00 a.m., when he had been to Chikhli, he was informed that some people came on their Basti and there was altercation of the words and they were assaulted by these persons. The name of the present appellants also disclosed to him. In the said incident the injured namely Santosh Pawar has sustained the grievous injuries. On the basis of the said report, Police have registered the crime against the present appellants and the other co-accused.

5. After registration of the crime, they approached to the Sessions Court for grant of bail but the same was rejected. Hence this appeal.

6. Heard learned Counsel Shri Mir Nagman Ali for the appellants who submitted that there is omnibus allegation against the appellants and the other co-accused. As far as the role of the present appellants is concerned, not specifically stated by any of the witnesses. He further submitted that now investigation is already completed, charge sheet is already filed, further incarceration of the present appellants is not required. The injured is already discharged from the hospital. Considering all these reasons, appeal deserves to be allowed.

7. Learned APP and learned Counsel for the respondent No. 2 strongly opposed the said application and submitted that the injured was assaulted mercilessly, which resulted into causing grievous injuries to him. Considering, there are eye witnesses to this incident, the informant and the injured witnesses belongs to the Scheduled Caste and to insult and humiliate them they were assaulted. Considering all these aspects, the prayer for grant of bail deserves to be rejected.

8. After hearing both the sides and on perusal of the investigation papers, it reveals that undisputedly injured Santosh Pawar has sustained compound fracture on his left leg with CLWB which is a grievous injury. The said injury is sustained by him in an

assault. He was immediately taken to the hospital and history narrated before the Medical Officer also shows that he sustained the injuries due to the assault. As far as the role of the present appellants in the alleged incident is concerned, their names are mentioned in the FIR. The statement of the various witnesses also discloses the role attributed to them. The Medical report is also on record which shows that these injuries are possible by the weapons like sticks and stones which are used by the present appellants and other co-accused in assaulting the injured. Thus, as far as the involvement is concerned, admittedly there is a prima facie material against the present appellants but considering, now investigation is completed, charge sheet is already filed, further incarceration of the present appellants is not required. In view of that appeal deserves to be allowed. Accordingly, I proceed to pass the following order :

**ORDER**

- (i) Appeal is allowed
- (ii) The order passed by the Additional Session Judge, Buldhana, rejecting the application for bail, is hereby quashed and set aside.
- (iii) The appellants **(1) Kailash Sandu Wagh (2) Sidheshwar Shivaji Gholap**, shall be released on bail in connection with Crime

No. 544/2024, registered with Police Station Chikhli, District Buldhana, for the offences punishable under Sections 109, 189(2), 191(2), 191(3), 190, 131, 118(1), 352, 351(2), 351(3) of the Bhartiya Nyaya Sanhita and Sections 3(2)(v)(va) of the S.C.S.T. (Prevention of Atrocities) Act, on executing P.R. Bond of Rs.25,000/- each with one solvent surety each, in the like amount.

(iv) Appellants shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(v) The appellants shall not enter into the vicinity of Palaskhed Daulat Shivar, till the culmination of Trial.

(vi) The appellants shall attend the proceedings before the Additional Sessions Court without seeking any exemption unless there are exceptional circumstances.

9. The appeal is disposed of.

10. The fees of the appointed Counsel be quantified as per the Rules.

**(URMILA JOSHI-PHALKE, J.)**

*Jayashree..*