

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.453 OF 2025

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Neeraj Nagesh Patil

Age : 19 Years, Occupation : Private Service,
Address : Mhasval, Kondhale, Vada,
Palghar.

...Appellant

Versus

1. **The State of Maharashtra**
(Through Vada Police Station)

2. **Vijay Vitthal Patil**
Age : 53 Years, Occupation : Farming

3. **Vikrant Vijay Patil**
Age : 27 Years, Occupation : Farming

4. **Hemant Mangesh Bhoir**
Age : 25 Years, Occupation : Farming

5. **Ravindra Jagannath Dalvi**
Age : 49 Years, Occupation : Farming

All at Jambul Pada Kandhle,
Taluka : Wada, District : Palghar.

...Respondents

Mr.Harshwardhan Pawar i/b. Mr.Satyam Nimbalkar:-	Advocate for Appellant.
Mr.Ashok S. Gawai:-	APP for Respondent No.1 -State.
Mr.Kunal Jha:-	Advocate for Respondent Nos.2-5.
Mr.Bhagwant L.Chaudhari-API:-	Wada Police Station – Palghar.

CORAM : S. M. MODAK, J.

DATE : 26th SEPTEMBER 2025

ORAL ORDER :-

1. Heard learned Advocate for the Appellant/First-Informant, learned APP and learned Advocate for Respondent Nos.2 to 5.

2. The only issue arisen in this Appeal is “*whether the Court of Additional Sessions Judge–Bhiwandi has exercised the discretion properly in favour of the Respondents by granting them an Interim Regular Bail on 14th February 2025.*” According to the learned Advocate for the First-Informant, the Interim Regular Bail has to be granted in exceptional circumstances and the case involved in this Appeal was not of such kind. According to him, the Respondents could have furnished bail bond as per the provisions of Section 88 of the Code of Criminal Procedure, 1973 (“**Cr.P.C.**”) [Act No.2 of 1974]. He places reliance on the observations in the following two orders:-

- (a) ***Musheer Alam V/s. The State of Uttar Pradesh & Anr.***¹
- (b) ***Asim Mallik V/s. The State of Odisha***²

3. In case of ***Musheer Alam*** (supra), there was an offence under the provisions of Prevention of Corruption Act, 1988 (for short “**the Act, 1988**”) and charge-sheet was filed and summons was issued to the Petitioner and then bail is granted. The issue was “*whether there was a*

1 Special Leave to Appeal (Crl.) No.18081 of 2024 : 17th January 2025 : Supreme Court of India

2 Special Leave Petition (Criminal) Diary No(s).57403 of 2024 : 24th April 2025 : Supreme Court of India

need to arrest the Accused person.” The Hon’ble Supreme Court directed the Accused person to appear before the Central Bureau of Investigation (“CBI” in short) and furnish bail.

4. Whereas in case of ***Asim Mallik*** (supra), the offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 (“In short “**the NDPS Act**”) [Act No.61 of 1985] was involved and on account of long incarceration, bail is granted. That was a case from Odisha High Court and the Hon’ble Supreme Court noticed, “*Interim Regular Bail is granted in various cases.*” That is why there was observation that “***it should not be granted in routine way***”.

5. Coming to the facts of this case, the FIR was registered for the offences punishable under Sections 115(2), 352 of Bharatiya Nyaya Sanhita, 2023 (hereinafter “**BNS**”) [Act No.45 of 2023] and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“**SC & ST Act**”) [Act No.33 of 1989]. The FIR is dated 8th January 2025. It is in respect of an incident dated **13th December 2025** and the Accused were asked to remain present in the Court by the Police.

6. On the set of above facts, the learned Judge was pleased to grant an Interim Bail. I have read the order. It is true in the offence under the

SC & ST Act, the First-Informant needs to be heard. So the trial Court
has balanced the rights of the parties. The trial Court was aware about
hearing the First-Informant and that is why notice was issued. At the
same time, the trial Court was aware that the investigation is complete
and the charge-sheet was filed without arrest of the Accused persons.
Keeping these facts in mind, the trial Court has granted an Interim
Regular Bail. **I find no illegality in the impugned order.**

7. Accordingly **the Appeal is dismissed.**

8. It is made clear that there are no observations about merits and
the trial Court to decide the Regular Bail Application as per the merits,
after hearing the concerned parties.

9. With these observations, **the Appeal is disposed of.**

[S. M. MODAK, J.]