



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

CRIMINAL APPEAL NO. 56 OF 2025

APPELLANT

Manish Banduji Bharati,
Aged 39 years, Occu: Private,
R/o Ambada, Ramtek, Tq. Ramtek,
District Nagpur (Presently at Central
Prison, Nagpur).

-VERSUS-

RESPONDENTS

1. The State of Maharashtra, through
Police Station Officer, Police Station
Ramtek, District Nagpur.
2. Vishwanath s/o Govardhan Khobragade,
Aged 51 Years, R/o Ward No.2, Sitapur
(Deolapur), Tahsil Ramtek, District
Nagpur.

Mr. R.M.Daga, counsel for appellant.
Mr. D.V. Chauhan, Senior Counsel (Public Prosecutor) with Mr.
C.A. Lokhande, APP for respondent/State.
Mr. Piyush Tidke, counsel h/f for Mr. A.R. Fule, counsel for
respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 04/04/2025

ORAL JUDGMENT :

1. Heard.
2. **Admit.** Heard finally with the consent of learned counsels appearing for the parties.
3. By preferring this appeal, the appellant has challenged the order passed by the Additional Sessions Judge-14 and Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Nagpur, dated 09/01/2025, by which the application of the present appellant for grant of bail is rejected.
4. The appellant came to be arrested on 26/11/2023. The accusation against the present appellant is on the basis of a report lodged by informant Vishwanath Khobragade, alleging that the deceased Vivek is his son, and on 25/11/2023, at about 7.00 p.m. the deceased, along with his friend Faizan Khan, went to see the procession at Ramtek on motorcycle. On 26/11/2023 at about 6.00 p.m., when the informant returned home after attending duty, he saw that his son was not in a position to walk properly and was shivering and limping. On inquiry with his son, his son

disclosed that he has been assaulted by some persons at Ramtek, and he is unable to speak and stand properly. Immediately, the informant took him to the hospital however, the medical officer disclosed that the deceased was brought dead. Therefore, the informant approached the Police Station and lodged the report. After making an inquiry with Faizan Khan, it was revealed to the informant that on 25/11/2023, there was a scuffle between the present appellant and other co-accused, and the present appellant and the other co-accused assaulted him by means of fist and kick blows, due to which he sustained the injuries that resulted into his death.

5. Learned counsel Mr. R.M. Daga, for the appellant submitted that the other co-accused are already released on bail. The only role attributed to the present appellant was the assault by fist and kick blows. As far as the nature of the incident is concerned, which happened suddenly, there was no intention to cause death, as two motorcycles dashed against each other and there was a hot exchange of words between them, and out of that, the deceased was assaulted, which resulted into his death.

6. Learned Public Prosecutor strongly opposed for the same and submitted that the deceased was assaulted mercilessly and his death is due to injury to a visceral organ in the abdomen, i.e., spleen injury. In view of the prima-facie material against the present appellant, he prays for rejection of the appeal.

7. After hearing both sides and on perusal of the investigation papers, it reveals that during the sudden quarrel between the present appellant and the deceased, the deceased was assaulted by the present appellant and the other co-accused with fist and kick blows. Admittedly, the incident occurred due to the dash between the two vehicles. Admittedly, no weapon is used by the present appellant with the similar role, and the other co-accused is already released on bail by this Court. The investigation is already completed and trial is not commenced. Considering the nature of the incident and the only allegation as to the assault by fist and kick blows, the appellant has made out a case. In view of that, the appeal deserves to be allowed. Accordingly, I proceed to pass the following order:

a] The appeal is **allowed**.

b] The order passed by the Additional Sessions

Judge-14 and Special Judge, Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Nagpur, rejecting the application is hereby quashed and set aside.

- c] The appellant – **Manish Banduji Bharati**, shall be released on bail in connection with crime No. 877/2023 registered with Police Station Ramtek, District Nagpur for the offence punishable under Sections 302, 307, 201, 341, 323, 504, 506, 143, 147, 149 of the Indian Penal Code, 1860 and under Sections 3(2)(v), 3(2)(va), 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- d] The appellant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.
- e] The appellant shall attend the proceedings before

the Special Court regularly without seeking any exemption unless there are exceptional circumstances.

f] The contravention of any of the conditions would lead his cancellation of bail.

8. The criminal appeal is **disposed of**.

[URMILA JOSHI-PHALKE, J.]