



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPEAL NO. 192 OF 2025

APPELLANT

Sumit S/o Jagdish Mandal,
Aged about 18 years, Occu: Student,
R/o Durgapur, Tah. Chamorshi, District
Gadchiroli.

-VERSUS-

RESPONDENTS

1. The State of Maharashtra,
through P.S.O. Ashti, Tah. Chamorshi,
District Gadchiroli.
2. Bandu @ Kajal s/o Gautam Meshram,
Aged about 43 years, Occu: Agriculturist,
R/o Somanpalli, Tq. Chamorshi, District
Gadchiroli.

Mr. A.M. Bobde, counsel for appellant.
Ms. T.H. Udeshi, APP for respondent/State.
Mr. M.V.Rai, counsel for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 01/07/2025

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 Special Judge and Additional Sessions Judge under the SC and ST Prevention of Atrocities Act, rejecting the bail application of the present appellant in Criminal Bail Application No. 32/2025.

4. The appellant is arraigned as an accused in connection with Crime No. 38/2025, which is registered on the basis of a report lodged by Bandu @ Kajal Goutam Meshram, alleging that on 21/02/2021, his father told him on phone that on the bus stop shed someone had written obscene words against Dr. Babasaheb Ambedkar. A huge crowd has gathered there. Hence, the informant rushed to the spot and found that obscene words were written on the tin shed that surrounds the bus stand. Therefore, an FIR is registered against the unknown person. During the investigation, the involvement of the present appellant was revealed, and therefore, the appellant approached the special court for grant of bail.

5. Heard learned counsel for the appellant, who submitted that except this suspicion, there is nothing on record to show that the appellant was involved in the said crime. He

submitted that, now the investigation is already completed and the charge sheet is already filed therefore, further incarceration of the present appellant is not required, and therefore, he be released on bail.

6. Learned APP and learned counsel for respondent No. 2 strongly opposed the said application on the ground that during the investigation the statements of the various witnesses were recorded and involvement of the present appellant was revealed, in view of that, the appeal deserves to be dismissed.

7. On hearing both sides and on perusal of the investigation papers, it reveals that except the suspicion, there is nothing on record to show that the present appellant was seen writing the said words. Now, the investigation is already completed and charge-sheet is already filed, further incarceration of the present appellant is not required. In view of that, the appeal deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal appeal is **allowed**.
- b] The order passed by the Special Judge under

SC/ST, Akola in Criminal Bail Application No. 32/2025 is hereby quashed and set aside.

- c] The appellant – ***Sumit Jagadish Mandal*** shall be released on bail, in connection with Crime No. 38/2025 registered with Police Station Chamorshi, District Gadchiroli for the offence punishable under Section 299 of the Bhartiya Nyaya Sanhita, 2023 read with Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- d] The appellant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.
- e] The appellant shall not induce, threat or promise any witnesses, who are acquainted with the facts of the case.

Criminal appeal is **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J.]