



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

CRIMINAL APPEAL NO.249 OF 2025

1. Mohammad Shabbir s/o Mohammad Bashir
Age 62 Years, Occ. - Agriculturist,
2. Mohammad Rizwan s/o Mohammad Sabbir
Age 30 years, Occ. - Agriculturist,

Both R/o. Ranipark, Jalgaon Jamod,
Tq. Jalgaon Jamod, District Buldhana

...APPELLANTS

VERSUS

1. State of Maharashtra,
through P.S.O. Jalgaon Jamod,
Tq. Jalgaon Jamod,
District Buldhana
2. Vaishali w/o Santosh Dhage
Age 37 years, Occ. Household,
R/o. Choubara Chouk,
Jalgaon (Jamod), District Buldhana

...RESPONDENTS

Mr. M.V. Rai, Advocate for the appellants.

Mr. A. Madiwale, APP for the State.

Ms S.S. Wadodkar, Advocate for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : JULY 7, 2025.

ORAL JUDGMENT :

ADMIT. Heard finally with the consent of learned Counsel for the parties.

2. By preferring this appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellants herein have challenged the order passed by the Additional Sessions Judge, Khamgaon, District Buldhana, rejecting the application for grant of bail in Criminal Bail Application No.192/2025 dated 03/05/2025.

3. The appellants are arrested in connection with Crime No.166/2025 registered with police station Jalgaon Jamod, District Buldhana for the offence punishable under Sections 3(5), 109, 352, 115(2) and 118(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Learned Counsel for the appellant submitted that the informant was the aggressor. On the day of incident that is on 23/03/2025, present appellants were in their agricultural field and carrying out the agricultural operations, at that time, the injured and his brother came in the agricultural field and restrained them. At that time,

there was a scuffle between them. In that scuffle, the injured has sustained the injuries. He submitted that regarding the said incident, other cross-complaint is also registered. The present appellants have also sustained the injuries in the said incident. Now, investigation is already completed and the injured are already discharged from the hospital. As far as further incarceration is concerned which is not required. He submitted that the injuries sustained by the injured are also simple in nature. In view of that, the order passed by the Special Judge, Khamgaon deserves to be quashed and set aside.

5. Learned APP and learned Counsel for respondent No.2 strongly opposed the appeal and invited my attention towards the investigation papers and submitted that one of the injured has sustained the grievous injuries. He was treated in the hospital. The weapons like sickle are used. Considering the nature of the injuries the application of the present appellants for grant of bail rightly rejected by the trial Court and no interference is called for.

6. On hearing both the sides and on perusal of the investigation papers it reveals that there is a previous dispute between both the parties on account of the agricultural land. On the day of incident admittedly the informant and his son were the aggressors in the said agricultural field and during the scuffle between the two parties,

the injures has sustained the injuries. The medical certificates are on record which shows that one of the injured – Mangalsingh has sustained one grievous injury i.e. close lacerated wound on the forehead. Except that injury there are other injuries sustained by Mangalsingh as well as Fundibai. Both injuries are simple in nature. Admittedly, now investigation is already completed, charge-sheet is yet to be filed.

7. I have also perused the statements of the witnesses from which also it reveals that both the injured were the aggressors in the said agricultural field.

8. Considering the fact that out of a previous dispute, the alleged incident has taken place. During the scuffle, both the party members have sustained the injuries. One of the injury of the injured is grievous in nature. Now, he is already discharged from the hospital. Investigation is practically completed though charge-sheet is not filed. In view of that, further incarceration of the appellant is not required. Considering above these facts, the appellants have made out of a case for grant of bail. Accordingly, I proceed to pass the following order:

(i) The criminal appeal is allowed.

(ii) The order dated 03/05/2025 passed by the Additional Sessions Judge, Khamgaon, District Buldhana in

Criminal Bail Application No.192/2025 is quashed and set aside.

(iii) The appellants – 1) Mohammad Shabbir s/o Mohammad Bashir and 2) Mohammad Rizwan s/o Mohammad Sabbir be released on bail, in connection with Crime No.166/2025 registered with police station Jalgaon Jamod, District Buldhana for the offence punishable under Sections 3(5), 109, 352, 115(2) and 118(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on executing PR. Bond of Rs. 25,000/- each with one solvent surety each in the like amount.

(iv) The appellants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

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

9. The appeal stands disposed of.

(URMILA JOSHI-PHALKE, J.)