IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 276 OF 2026

Kiran Dattatraya Manjare
VERSUS
The State Of Maharashtra

Mr. S. S. Jadhav hf Mr. J. S. Agrawal, Advocate for appellant
Mr. A. R. Kale, APP for respondent-State
Mr. J. S. Salunke, Advocate for respondent No. 2

CORAM : R. M. JOSHI, J.
DATE : 08th OCTOBER, 2026

PER COURT :-

1. Appellant seeks regular bail in connection with Crime No. 568 of 2025 registered at M.I.D.C Police Station, dist. Ahilyanagar, for the offences punishable under Sections 109, 189(2), 189(4), 191(2), 191(3), 190, 351(2), 352 of the Bharatiya Nyaya Sanhita and under Sections 3(1)(r)(s), 3(2)(va), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. First Information Report lodged by brother of the injured victim indicates that incident had occurred on 20.07.2025 at about 10:00 PM in which present appellant and co-accused threatened the victim and family members. On 21.07.2025 at about 12:00 noon, informant received a phone call from his cousin brother Sumit who told him about the incident in which the brother of the informant was assaulted by some

boys. He went to the hospital wherein Satish told informant about one Pradip intimating him about the incident of assault. Satish further says when he went to the spot, he had seen present appellant and co-accused running from the spot after causing assault on the informant. On the basis of this information, offence came to be registered against appellant and co-accused which has culminated into filing of charge sheet.

3. Learned Counsel for the appellant submits that appellant is arrested on 21.07.2025 and over a period of year he is in jail. It is his submission that there are inconsistencies in the statements recorded during the course of investigation. In this regard, he drew attention of the Court to the First Information Report lodged by the brother of the informant which according to him indicates that the incident in question has been witnessed by the Pradip and no one else. It is his submission that subsequently statements of eight witnesses came to be recorded out of which five are cousin brothers of the victim. He further argues that in case five persons were present at the spot who were relatives of the informant, there is no reason as to why they would not intervene in the said assault. It is his submission that evidence collected on record is far from satisfactory to show actual involvement of the appellant in the crime i.e., causing assault on the victim. He drew attention of the Court to the evidence in the form of CCTV footage, which according to him, at

the most indicates about the presence of the appellant with the wooden log in his hand. It is his contention that however this cannot be sufficient to hold them as assailants in the assault. It is his statement on instructions that in case appellant is granted bail, he would stay away from the Dist. Ahilyanagar till conclusion of trial.

4. Learned APP and learned Counsel for informant opposed grant of any relief to the appellant firstly on the ground that there are criminal antecedents against appellant. Learned Counsel for informant pointed out that in one of the pending crimes against him, non bailable warrant is issued against appellant which disentitle him from any relief. He drew attention of the Court to the medical certificate dated 03.09.2026, which according to him, indicates that the condition of the victim is not improved and still he is suffering from the disability on account of the assault caused to him. By referring to the charge sheet, learned APP drew attention of the Court to the statements of eye witnesses which show the involvement of the present appellant as assailant in this crime. Learned APP also argues that irrespective of the fact as to whether what role is played by the accused in particular. Since all accused persons were members of unlawful assembly, all of them are equally responsible for acts of one another. Having regard to the seriousness of the crime, there is possibility of pressurizing the victim.

They seek dismissal of the appeal.

5. *Prima facie*, perusal of the First Information Report indicates that the first informant, who is brother of the victim, was informed by Satish with regard to the incident being witnessed by Pradip. *Prima facie*, consideration of First Information Report supports the contention of learned Counsel for appellant that possibly Pradip has seen the person running away from the spot and not witnessed actual incident of assault. Perusal of Pradip's statement indicates that he has no prior acquaintance with the assailants and, furthermore, it is admitted that no test identification parade was conducted in this case. Recording of statements of witnesses on the next date shows that about eight witnesses are said to have witnessed the said incident. This is not supported by the First Information Report.

6. Even if it is accepted for the sake of argument that there is involvement of the present appellant in the crime including assault, question arises as to whether on the basis of such material on record, he can be kept in custody after filing of charge sheet. Over a period of one year, appellant is in jail. Considering the pendency before the trial Court, there is hardly any chance of the trial being concluded within short period of time. Needless to say that accused cannot be kept in jail by way of pre-trial sentence. In so far as medical certificate placed on

record, it is pertinent to note that though unfortunately the condition of the victim has not improved, as argued on behalf of his counsel, still offence cannot travel beyond Section 109 of the Bharatiya Nyaya Sanhita. Suffice it to say that upon the conclusion of the investigation and having considered the merits of the case, this is a fit case for the grant of bail to the appellant. The apprehensions of the prosecution and the informant are adequately addressed by the voluntary statement made by the appellant to stay away from the Dist. Ahilyanagar till conclusion of the trial. Hence, the following order :-

ORDER

(i) Appeal is allowed.

(ii) Appellant be released on bail in connection with Crime No. 568 of 2025 registered at M.I.D.C Police Station, dist. Ahilyanagar, for the offences punishable under Sections 109, 189(2), 189(4), 191(2), 191(3), 190, 351(2), 352 of the Bharatiya Nyaya Sanhita and under Sections 3(1)(r)(s), 3(2)(va), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he shall be released on bail on furnishing PB and SB Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

(iii) He shall attend the concerned police station as and when called by Investigating Officer.

(iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not enter in Dist. Ahilyanagar except for attending trial.

(vi) He is directed to provide place of residence during this period till conclusion of trial as well as contact number to the Investigating Officer.

(vii) He shall not interfere with the evidence in any manner whatsoever.

(viii) He further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

B. S. Joshi