IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 728 OF 2026

Tushar Rajendra Wagh
VERSUS
The State Of Maharashtra And Another

Mr. J. I. Shaikh, Advocate for appellant
Mr. S. P. Joshi, APP for respondent-State
Ms. Neha Udavant, Advocate for respondent No. 2

CORAM : R. M. JOSHI, J.
DATE : 03rd NOVEMBER, 2026

PER COURT :-

1. This appeal is for regular bail in connection with Crime No. 329 of 2025 registered with Shrirampur Taluka Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 109(1), 119(1), 126(2), 189(2), 190, 191(2), 193(1), 115(2), 352, 351(2), 351(3), 324(4) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(2)(v), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. First Information Report indicates that an incident had occurred on 18.06.2025 in which the present appellant and co-accused apart from committing offence under the Atrocities Act, assaulted informant and witness and attempted to kill them. There is allegation against present appellant that he used an iron rod for causing assault on

informant and his father on their back and legs.

3. Learned Counsel for the appellant submits that appellant is arrested on 21.06.2025 and since, then he is in jail. According to him, appellant is aged about 20 years with no criminal history behind him. He also argues that there is no likelihood of commencement and conclusion of trial within a short period. According to him, in these circumstances, the appellant be enlarged on bail.

4. Learned APP and learned Counsel for informant opposed grant of relief to the appellant by referring to the allegations against him in the First Information Report. According to them, these allegations are supported by statement of witnesses so also injury certificate on record. It is further argued that there is recovery of iron rod at the instance of present appellant which shows his involvement in the serious crime.

5. Perusal of the record indicates that the appellant, who is aged about 20 years with no criminal history, is in jail over a period of more than a year now. As allegedly pointed out by learned Counsel for appellant that there is no chance of commencement and conclusion of trial within a short period of time. Allegations against present appellant is that he caused assault on the informant and his father on their back and legs. Thus, the injuries cause to vital part of the body are not

attributable to the appellant. Thus, coupled with the fact that appellant is of young age with no criminal history, he deserves bail. On conclusion of investigation and charge sheet, custody of the appellant is not necessary. Hence, the following order :-

ORDER

(i) Appeal is allowed.

(ii) Appellant be released on bail in connection with Crime No. 329 of 2025 registered with Shrirampur Taluka Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 109(1), 119(1), 126(2), 189(2), 190, 191(2), 193(1), 115(2), 352, 351(2), 351(3), 324(4) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(2)(v), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. .

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

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

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

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

6. Fees of appointed counsel is quantified at Rs. 10,000/-.

(R. M. JOSHI, J.)

B. S. Joshi