IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 CRIMINAL APPEAL NO. 777 OF 2026

SANJAY ALIAS PAPPU ANANDA WAGH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...

Mr. N. L. Chaudhari, Advocate for Appellant
Mr. A. R. Kale, APP for the Respondent/State
Mr. A. S. Avhad, Advocate for Respondent No.2 (appointed)

CORAM : R. M. JOSHI, J.
DATED : 2nd NOVEMBER, 2026

PER COURT :-

1. At the outset, learned Advocate for the Appellant seeks time to carry out an amendment in the appeal memo to correct the inadvertent statement made therein with regard to the acquittal of the Appellant in the previous proceedings.

2. Amendment to be carried out.

3. Appellant seeks regular bail in connection with Crime No. 323 of 2026 registered with Nandurba Taluka Police Station, District Nandurbar, for the offences punishable under Sections 109, 351(2), 238 of the Bharatiya Nyaya Sanhita, Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and Sections 3, 25 of the Arms Act.

4. The First Information Report lodged by the contesting Respondent indicates that an incident had occurred on 26.05.2026, wherein the Informant was allegedly assaulted by the Appellant owing to the previous dispute between the parties regarding the Informant leaving the work and non-repayment of the hand loan advanced to the Informant by the Appellant. There is a specific allegation that the Appellant fired a bullet at the Informant from behind, which caused an injury to his head. The Informant further states that he thereafter made an attempt to snatch the gun from the Appellant, during which he sustained injuries to his fingers. On the basis of these allegations, the offence came to be registered. The matter was investigated, and the Appellant came to be arrested. Admittedly, the charge-sheet has now been filed.

5. Learned Advocate for the Appellant submits that the evidence on record does not conclusively establish the occurrence of the incident in the manner narrated by the Informant. In this regard, he draws the attention of the Court to the material collected during the course of investigation, which includes the statement of the Appellant and his injury certificate. It is his contention that the Appellant, at the first available opportunity, clarified that the incident in question had occurred during a scuffle and that any injury caused to the Informant was unintended. It is his submission that, having regard to these

facts and particularly in view of the filing of the charge-sheet, the Appellant cannot be kept in custody by way of pre-trial punishment.

6. Learned APP and learned Advocate for the Informant oppose the appeal, firstly, on the ground that the offence is serious in nature and that the Appellant has a criminal history. It is further submitted that, if enlarged on bail, the Appellant is likely to interfere with the prosecution evidence. On merits, learned APP draws the attention of the Court to the injury certificate on record, indicating that the injury sustained by the Informant was caused by a bullet fired at him. He also draws the attention of the Court to the opinion of the Medical Officer, indicating that the injury was caused from the back side, which, according to him, supports the allegation against the Appellant that he fired at the Informant from behind. As regards the injuries sustained by the Informant, he draws the attention of the Court to the assertions made in the First Information Report, which, according to him, sufficiently indicate that a scuffle had taken place between the parties.

7. Learned Advocate for the Informant apprehends that, if released on bail, the Appellant would pressurize the Informant. In response to this submission, learned Advocate for the Appellant, on instructions, makes a statement that the Appellant shall not enter the jurisdiction of the concerned Police Station until conclusion of the trial, except for attending the trial.

8. A *prima facie* perusal of the record indicates that there are two versions emerging from the evidence collected during the course of investigation as to whether the bullet was intentionally fired by the Appellant at the Informant or whether the injury was caused accidentally. Though vague statements have been made regarding a scuffle between the parties, there is no specific statement by the Informant indicating that such a scuffle had taken place. On the contrary, prima facie, there is material to indicate that the Appellant had also sustained injuries, which may be simple in nature.

9. In the light of these facts, and considering that the incident was not witnessed by any independent witness and that the witness who claims to have been present at some distance specifically states that he had not seen the Appellant firing a shot at the Informant, the question as to whether the injury was caused intentionally or otherwise would be a matter for the trial Court to decide. This Court does not deem it necessary to record any further observations in this regard. Suffice it to say that, upon completion of the investigation and filing of the charge-sheet, further custody of the Appellant is not necessary.

10. The apprehension expressed by the Informant is adequately addressed by the voluntary statement made by learned Advocate for the Appellant, on instructions. Hence, the following order:

ORDER

(i) Appeal is allowed.

(ii) Appellant in connection with Crime No. 323 of 2026 registered with Nandurba Taluka Police Station, District Nandurbar, for the offences punishable under Sections 109, 351(2), 238 of the Bharatiya Nyaya Sanhita, Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and Sections 3, 25 of the Arms Act shall be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount.

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

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

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

(vi) He shall not enter the jurisdiction of the concerned Police Station until conclusion of the trial, except for attending the trial

11. Learned APP for the Respondent/State to communicate this order to the concerned Police Station.

12. The fees of the appointed learned Advocate is quantified at Rs. 10,000/-.

(R. M. JOSHI, J.)

ssp