IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 CRIMINAL APPEAL NO. 776 OF 2026

Shaikh Rahim Alias Direct Shaikh Chunnupasah
VERSUS
The State Of Maharashtra And Others
...
Advocate for Appellant : Mr. G. R. Syed
APP for Respondent-State: Mr. S. B. Jadhav
Advocate for Respondent No.3 : Mr. Bhushan Dhawale
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 19.11.2026

PER COURT :

1. Heard the learned counsel for the appellant, learned APP for the Respondent-State and learned counsel for the respondent no.3/complainant.

2. By this appeal, the appellant seeks release on bail in connection with Crime No. 451/2026 dated 22.06.2026 registered with Nanalpeth Police Station, Dist. Parbhani, for the offences punishable under Sections 109(1), 118(2), 118(1), 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 3(1)(r)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The brief facts of the prosecution case are such that two persons, namely, Tejas Bansode and Milind Khandare had a dispute over money

transaction. Milind Khandare called the informant on 21.06.2026 at 4:45 PM and told him that he wanted to bring Tejas Bansode to his house to settle the dispute. Informant took Tejas Bansode to Milind Khandare's house where the present appellant was standing with one more person. At that time, the appellant is alleged to have abused the complainant with caste based remarks and stabbed him on his neck, throat, left leg and right hand with knife. Accordingly, an offence under the aforesaid provisions was registered and the appellant came to be arrested.

4. The appellant had filed Criminal Bail Application No.832/2026 before the learned ad-hoc District Judge-1 Parbhani which came to be rejected on 15.09.2026. Being aggrieved thereby, the present appeal has been filed.

5. Learned counsel for the appellant submits that the appellant was arrested on 30th June 2026 and since then he is behind bars. The chargesheet has been filed and the trial would take considerable time for conclusion. There is no further need of further custody of the accused. The present crime is registered as a result of false accusation. Therefore, he prays to release the appellant on bail.

6. Per contra, learned APP for the State opposed the appeal by contending that the appellant is habitual offender and there is one existing offence registered against him. He further submits that there are eye witnesses to the incident and there is a strong possibility that the appellant would tamper with the prosecution evidence, if released on

bail. He further submits that the discharge card shows that an undisplaced fracture has been noted. Thus, the injury cannot be said to be simple in nature. He further submits that if the appellant is released on bail, there is every possibility that he might commit similar offence again.

7. The learned counsel for the respondent no.3/complainant supports the contention of learned APP for the State.

8. Having heard the learned counsel for the respective parties and upon perusal of paper book, particularly the chargesheet, it reveals that the appellant has been arrested on 30.06.2026 and since then he is behind bars. Considerable time has elapsed since his arrest and chargesheet has been filed. Injuries caused are simple in nature as per the injury certificate. The discharged card shows that the complainant has been released from medical care. There is no necessity to keep the appellant in custody once the chargesheet has been filed. Thus, the appellant can be released on bail by imposing appropriate conditions. Hence, the following order :

ORDER

1) The appeal is allowed.

2) The appellant - Shaikh Rahim Alias Direct Shaikh Chunnupasah shall be released on bail in connection with Crime No. 451/2026 dated 22.06.2026 registered with Nanalpeth Police Station, Dist. Parbhani, for the offences punishable under Sections 109(1),

118(2), 118(1), 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 3(1)(r)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing P.R. bond of Rs.15,000/- and a solvent surety in the like amount to the satisfaction of the Trial Court.

3) The release of the appellant shall be subject to the following conditions :-

i. The appellant shall attend each and every date before the Trial Court unless exempted by the Trial Court.

ii. The appellant shall not directly or indirectly make any inducement, threat or promise to any prosecution witness and shall not tamper with the prosecution evidence in any manner.

iii. The appellant shall attend the concerned police station as and when required by an Investigation Officer for further investigation, if any.

iv. The appellant shall not in any manner whatsoever contact the complainant or prosecution witnesses till the culmination of the Trial.

v. The appellant shall not enter the territorial jurisdiction of Parbhani City till the culmination of the trial.

4) Needless to state that breach of any of the above conditions shall entitle the prosecution to seek cancellation of bail.

5) The observations made herein are prima facie in nature and the learned Trial Court shall not be influenced by the same while deciding the case on its own merits.

6) Bail before the Trial Court.

7) Mr. Bhushan Dhawale is appointed on behalf of respondent no.3/complainant, thus his professional fees be quantified to Rs.10,000/-.

[SIDDHESHWAR S. THOMBRE, J.]