2026:BHC-AUG:55435

IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

19 CRIMINAL APPEAL NO. 785 OF 2026

Jivan Sanjay Gatkal
VERSUS
The State Of Maharashtra And Another
...
Advocate for Appellant : Mr. Ostwal Abhaykumar Dilip
APP for Respondents-State: Mr. A. D. Wange
Advocate for Respondent No.2 : Mr. Swami Sandeep C.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

Dated : November 25, 2026

PER COURT :-

1. By the present appeal, the appellant seeks his release on bail in connection with Crime No.0370 of 2026 registered with Bidkin Police Station, District Chhatrapati Sambhajinagar, for the offences punishable under Sections 118(1), 118(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The FIR came to be registered on the basis of the complaint lodged by respondent No.2/informant. The appellant came to be arrested on 29.05.2026. After completion of investigation and filing of charge-sheet, the appellant preferred Bail Application No.153 of 2026 before the learned Additional Sessions Judge, Paithan, District Chhatrapati Sambhajinagar. However, the said application came to be

rejected. Hence, the present appeal.

3. Heard learned counsel Mr. Abhaykumar Dilip Ostwal for the appellant, learned APP Mr. A. D. Wange for respondent-State and learned counsel Mr. Sandeep C. Swami for respondent No.2.

4. Learned counsel for the appellant submits that the present appeal is the first application seeking bail after filing of the charge-sheet, as the earlier application was withdrawn with liberty to file a fresh application after completion of investigation. He submits that initially, when the informant was admitted to the hospital, the injuries noticed were simple in nature. However, subsequently, at the time of discharge, the medical report disclosed a Grade-I fracture, which was opined to be a grievous injury. Learned counsel further submits that the investigation is complete and the charge-sheet has already been filed. The informant has also been discharged from the hospital. Therefore, further custodial detention of the appellant is not warranted. The appellant is ready and willing to abide by any condition that may be imposed by this Court. On these grounds, learned counsel seeks release of the appellant on bail. Learned counsel further submits that one criminal offence was earlier registered against the appellant. However, as regards the said criminal antecedent, it is submitted that the appellant has already been released on bail by this Court.

5. Per contra, learned APP and learned counsel for respondent No.2 oppose the appeal. They submit that, if the appellant is released on bail, he may indulge in similar activities and tamper with the prosecution witnesses. It is further pointed out that the appellant has one criminal antecedent. Hence, they pray for rejection of the appeal.

6. I have considered the submissions advanced by the learned counsel for the appellant, learned APP for the State and learned counsel for respondent No.2. I have also perused the FIR, charge-sheet, medical papers and the material placed on record.

7. On perusal of the medical papers, it appears that when the informant was initially examined by the Medical Officer, the injuries were opined to be simple in nature. However, subsequently, the discharge report indicates that the informant had sustained a Grade-I fracture. Thus, the nature of injury is required to be considered in the light of the medical papers placed on record.

8. It is not in dispute that the appellant came to be arrested on 29.05.2026 and has been in custody since then. The investigation is complete and the charge-sheet has already been filed. The informant has also been discharged from the hospital. Therefore, further custodial interrogation of the appellant is not necessary.

9. As regards the criminal antecedent pointed out by the

prosecution, it is submitted on behalf of the appellant that he has already been released on bail in the said case. Considering the overall circumstances, particularly completion of investigation, the period of custody undergone by the appellant and the fact that the informant has been discharged from the hospital, I am of the prima facie view that the appellant deserves to be enlarged on bail. However, the apprehension expressed by the prosecution can be taken care of by imposing appropriate conditions, including a restriction on the appellant entering Village Khamjalgaon till conclusion of the trial.

10. In view of the aforesaid circumstances, the appeal deserves to be allowed. Hence, the following order:

ORDER

I. The appeal is allowed.

II. The appellant, namely Jivan Sanjay Gatkal, be released on bail in connection with Crime No.0370 of 2026 registered with Bidkin Police Station, District Chhatrapati Sambhajinagar, for the offences punishable under Sections 118(1), 118(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on executing a P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount, subject to the following conditions:

(a) The appellant shall not enter the territorial limits of

Village Khamjalgaon till conclusion of the trial.

(b) The appellant shall regularly attend the proceedings before the Trial Court on every effective date unless specifically exempted by the Trial Court.

(c) The appellant shall not tamper with the prosecution evidence in any manner.

(d) The appellant shall not directly or indirectly induce, threaten or promise any person acquainted with the facts of the case so as to prevent such person from disclosing such facts to the Court.

(e) The appellant shall furnish his permanent residential address and mobile number to the Investigating Officer and shall intimate any change therein.

(f) In the event of breach of any of the aforesaid conditions, it shall be open for the prosecution or respondent No.2 to seek cancellation of bail before the competent Court.

III. Needless to state that the observations made herein are *prima facie* in nature and confined to the adjudication of the present appeal. The Trial Court shall not be influenced by any of the observations made in this order while deciding the case on its own merits.

(SIDDHESHWAR S.THOMBRE, J.)

vj gawade/-.