IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CRIMINAL APPEAL NO. 808 OF 2026

BABURAO SITARAM JAGTAP AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Mr. Balasaheb N. Magar, Advocate for Appellants
Mr. S. P. Joshi, APP for the Respondent/State
Mr. S. K. Dhabekar, Advocate for Respondent No.2.

CORAM : R. M. JOSHI, J.
DATED : 27th OCTOBER, 2026

PER COURT :-

1. Appellants seek regular bail in connection with Crime No. 232/2026, registered with Basmath Rural Police Station, District Hingoli, for the offences punishable under Sections 118(1), 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. The First Information Report lodged by the Informant, Raghoji, reveals that on 08.09.2026, at about 9:00 p.m., he called Appellant No. 3, Chandoji, and inquired about the money received from the sale transaction of land by Balaji Sapkal. In connection with the said issue, an incident occurred during which Appellant No. 3 allegedly abused the Informant by referring to his caste and assaulted him with a stick. The co-accused are alleged to have assaulted

the Informant by delivering fist and kick blows.

3. The learned Advocate for the Appellants submitted that the Appellants were arrested in connection with the present crime and had cooperated with the investigation. He further submitted that, considering the nature of the allegations, the offence attributed to the Appellants under the Bharatiya Nyaya Sanhita would not travel beyond Section 118(1) thereof. He therefore contended that there was no justification for keeping the Appellants behind bars, particularly when the investigation was practically complete.

4. The learned APP and the learned Advocate for the Informant opposed the grant of bail to the Appellants on the ground that specific allegations had been levelled against them regarding their involvement in the crime. They further submitted that the Appellants had criminal antecedents and were, therefore, not entitled to any relief.

5. The learned Advocate for the Informant expressed an apprehension that, if released on bail, the Appellants might enter the jurisdiction of the concerned Police Station, thereby prejudicing the further investigation. In response, the learned Advocate for the Appellants, on instructions, made a statement that the Appellants would not enter the jurisdiction of the concerned Police Station until the filing of the charge-sheet.

6. It is not in dispute that the Appellants were arrested in connection with the present crime. The allegation against one of the Appellants is that he assaulted the Informant with a stick, whereas the other accused persons allegedly assaulted him with fist and kick blows. This Court finds merit in the submission of the learned Advocate for the Appellants that the offence punishable under the Bharatiya Nyaya Sanhita, as attributed to the Appellants, would not travel beyond Section 118(1) thereof. Having regard to the investigation conducted thus far, this Court also finds merit in the submission that the investigation in the present crime is practically complete.

7. The apprehension expressed by the prosecution and the Informant is adequately addressed by the statement made by the learned Advocate for the Appellants, on instructions, that the Appellants shall not enter the jurisdiction of the concerned Police Station until the filing of the charge-sheet. In view of the above, the following order is passed:

ORDER

(i) Appeal is allowed.

(ii) Appellants in connection with Crime No. 232/2026, registered with Basmath Rural Police Station, District Hingoli, for the offences punishable under Sections 118(1), 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act be released on bail on furnishing PB and SB of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one solvent

surety in the like amount.

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

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

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

(vi) They shall not enter the jurisdiction of the concerned Police Station until the filing of the charge-sheet.

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

(R. M. JOSHI, J.)

ssp