IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

923 CRIMINAL APPEAL NO. 832 OF 2026

Channaveer Alias Channya Tukaram Babugol ....Appellant

VERSUS

The State of Maharashtra & another .....Respondents

Mr. M. U. Shelke, Advocate for Appellant
Mr. A. R. Kale, APP for the State.
Ms. D. S. Patil (Yenegure) Advocate appointed for Respondent No. 2.

CORAM : R. M. JOSHI, J.
DATE : 31st OCTOBER, 2026.

PER COURT :

1. Appellant seeks regular bail in connection with Crime No. 076/2026, registered with Murum Police Station, District Dharashiv, for the offences punishable under Sections 109, 49, 3(5) of Bharatiya Nyaya Sanhita, Sections 4, 25 of Arms Act and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. First Information Report indicates that the incident had occurred on 26.03.2026 at about 3.00 pm, in which the informant was assaulted by known accused so also one unknown person. There is allegation against the unknown person that he used hunter as well as sword to cause assault on the informant. Informant

sustained injury in the said incident. After conclusion of investigation, now, charge-sheet has been filed.

3. Learned Counsel for Appellant submits that the Appellant was not knowing the informant and hence it is mentioned in the First Information Report that unknown person has caused assault with sword and hunter. It is his submission that there is no identification parade conducted during the course of investigation in order to establish identification of the Appellant with the assailant. According to him, even there is no evidence with regard to injury with the help of hunter at his instance. He, therefore, submits that once charge-sheet is filed, appellant cannot be kept in jail by way of pre-trial sentence.

4. Learned APP and learned Counsel for the informant opposed the appeal firstly by submitting that the offence in question is serious in nature. They drew attention of the Court to the injury certificate indicating causing of six injuries and one of them is injury caused with sword.

5. There is no dispute about the fact that the Appellant and informant had no acquaintance with each other. Appellant has been referred as unknown person in the First Information Report. It was therefore necessary for the investigating agency to conduct identification parade. At least at this stage, it cannot be said that the Appellant is the assailant. Apart from this, the alleged weapon used in the incident by the Appellant is hunter which does not support the allegation of causing injury with sharp weapon. This Court therefore finds substance in the contention of learned Counsel for the Appellant that after filing of charge-sheet, Appellant cannot be kept in jail by way of pre-trial sentence. Hence, the following order :-

ORDER

(i) Appellant be released on bail in connection with Crime No.076/2026, registered with Murum Police Station, District Dharashiv, for the offences punishable under Sections 109, 49, 3(5) of Bharatiya Nyaya Sanhita, Sections 4, 25 of Arms Act and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act , on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only)/each with one surety in the like amount.

(ii) He shall attend the concerned police station as and when called.

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

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

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

(vi) Learned APP to communicate this order to the concerned Investigating Officer.

Fees of the appointed Counsel is quantified at Rs. 10,000/-.

(R. M. JOSHI, J.)

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