IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

23 CRIMINAL APPEAL NO. 876 OF 2026

Shubham Vijay Giri
VERSUS
The State Of Maharashtra And Another
...
Advocate for Appellant : Mr. More P. P.
APP for Respondents-State: Mr. B. A. Shinde
Advocate for Respondent No.2 : Mr. S. B. Pawar (Appointed)
...

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.324 of 2026 registered on 15.05.2026 with Hingoli Rural Police Station, Taluka and District Hingoli, for the offences punishable under Sections 109(1), 118(2), 118(1), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(v-a) and 3 (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant had approached the learned Special Judge, Hingoli, by filing an application for bail in Special Case No.94 of 2026. However, the said application came to be rejected. Hence, the present appeal.

2. The FIR came to be registered on the basis of the complaint lodged by respondent No.2 on 29.03.2026, alleging that the appellant and other accused persons assaulted him. Specific allegation against the present appellant is that he assaulted the informant by means of

an iron rod. The appellant came to be arrested on 16.05.2026.

3. Heard learned counsel Mr. P. P. More for the appellant, learned APP Mr. B. A. Shinde for respondent-State and learned counsel Mr. S. B. Pawar, appointed to represent respondent No.2.

4. Learned counsel for the appellant submits that the investigation is complete and the charge-sheet has already been filed. It is submitted that the injured informant has also been discharged from the hospital. According to learned counsel, the incident occurred on the spur of the moment and there was no prior motive or intention on the part of the appellant to assault the informant. He further submits that the injuries sustained by the informant are not on any vital part of the body. Inviting my attention to the injury certificate, learned counsel submits that no injury was noticed on the leg of the injured. It is further submitted that the appellant is in custody since 16.05.2026 and, in view of completion of investigation, his further custodial detention is not warranted. On these grounds, learned counsel seeks release of the appellant on bail.

5. Per contra, learned APP and learned counsel appointed to represent respondent No.2 strongly oppose the appeal. They submit that the appellant has criminal antecedents. It is further submitted

that, if released on bail, the appellant may indulge in similar activities. They also apprehend that, if the appellant is permitted to enter the village, there is every possibility of repetition of such offences. 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 appointed to represent respondent No.2. I have also perused the FIR, charge-sheet, injury certificate and the material placed on record.

7. On perusal of the FIR, it appears that the incident occurred on the spur of the moment. The specific allegation against the present appellant is of assault by means of an iron rod. However, considering the nature of injuries sustained by the informant, particularly the fact that the injuries are not on any vital part of the body and the informant has already been discharged from the hospital, the nature of the allegations requires consideration at this stage.

8. It is not in dispute that the investigation is complete and the charge-sheet has already been filed. The appellant is in custody since 16.05.2026. Therefore, his further custodial detention is not necessary for the purpose of investigation. Though the prosecution has pointed out the criminal antecedents of the appellant and

expressed apprehension regarding repetition of similar offences, the said apprehension can be taken care of by imposing appropriate conditions, including a restriction on the appellant entering the concerned village till conclusion of the trial.

9. Considering the nature of the allegations, the injuries sustained by the informant, completion of investigation and the period of custody undergone by the appellant, I am of the prima facie view that the appellant deserves to be enlarged on bail. Hence, the following order:

ORDER

I. The appeal is allowed.

II. The appellant, namely Shubham Vijay Giri, be released on bail in connection with Crime No.324 of 2026 registered with Hingoli Rural Police Station, Taluka and District Hingoli, for the offences punishable under Sections 109(1), 118(2), 118(1), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and the aforesaid provisions 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 Bhandegaon, Taluka and District Hingoli, 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. Learned counsel Mr. S. B. Pawar, appointed to represent respondent No.2, has rendered able assistance to the Court. His fees are quantified at Rs.10,000/- (Rupees Ten Thousand only).

IV. 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/-.