



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

933 CRIMINAL APPEAL NO. 691 OF 2025

RAJENDRA HIRAMAN NIKAM

VERSUS

1. THE STATE OF MAHARASHTRA
2. ANIL POPAT BHAGAT
3. GANESH SUNIL BHAGAT

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Advocate for Appellant : Mr. Ajit B Chormal

APP for Respondents/State : Mr. S.S. Dande

Advocate for Resp. Nos.2 & 3 : Mr. Ostwal Abhaykumar Dilip

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CORAM : Y.G. KHOBRAGADE, J.

DATE : 10.02.2026

PC.:-

1. Heard Mr. Ajit B. Chormal, the learned counsel appearing for the appellant, Mr. Dande the learned APP for the respondent/state and Mr. Ostwal the learned counsel appearing for the respondent nos.2 & 3/accused.
2. By the present appeal, the appellant/informant prayed for quashing and setting aside the order dated 08.07.2025 passed by the learned Special Judge, Ahmednagar in Criminal B.A. No.1019/2025, whereby the respondent/ori. accused nos.2 & 3 were released on bail on certain terms and conditions.
3. The learned counsel appearing for the appellant canvassed that

on 16.04.2025, the appellant/informant lodged a report with Ahilyanagar Camp Police Station alleging that, on 13.06.2025 at about 9.30 am., when he was present at his grocery shop at that time he noticed that one blue colour Hyva Dumper came from Pimpalgaon-Ujjani road and came in contact with electricity connection cable of the informant. Due to which electricity cable got damaged and electric connection was disconnected. Therefore, the informant visited the driver of Dumper and inquired as to why he did not notice electricity cable and due to his rash driving, electricity cable has broken. Thereafter, when he was present at the said grocery shop, the respondent no.2-Anil Popat Bhagat and respondent no.3-Ganesh Sunil Bhagat reached there in one Scorpio vehicle and abused him in filthy language as well as the present respondent no.1-Anil abused him on his caste. The appellant claimed that he belongs to ST community (Bhil).

4. It is a matter of record that both these respondents/accused were arrested and enlarged on regular bail under the impugned order dated 08.07.2025. The learned counsel appearing for the respondent nos.2 and 3 submitted that both the respondents/accused were arrested and after due investigation the charge-sheet came to be filed against both of them. Therefore, there is no necessity of custodial interrogation, so also, nothing remains to be seized from the respondents. So also, the appellant/informant

has not made out substantial grounds for cancellation of bail granted to the respondent nos.2 and 3.

5. In the case in hand, the appellant/informant came with the case that the impugned judgment and order dated 08.07.2025 passed by the learned trial Court is perverse and against the principle of law. So also, contrary to the view taken by the Hon'ble Supreme Court in the case of **Jagjeet Singy V/s. Ashish Mishra; (2022) 9 SCC 321**, wherein it has been observed that, if the order of grant of bail is founded upon irrelevant materials adding vulnerability, the Appellate Court would be well within its ambit in setting aside the same and cancelling the bail.

6. Needless to say that, while passing the impugned order, the learned trial Court considered the fact about breakage of electrical cable due to Hyva dumper and there was altercation between the accused and the informant. So also, the respondent nos.2 and 3 abused the informant on his caste. Considering the injuries sustained to the present appellant/informant and completion of investigation the learned trial Court granted regular bail to the respondent nos.2 and 3 on execution of PR bond and solvent surety. The respondent nos.2 and 3 were also directed that they should not directly or indirectly contact the informant and the injured person and they would not tamper the prosecution witnesses.

7. No doubt, the appellant/informant alleged that, on 30.06.2025, one Smt. Alka Nikam, the sister-in-law of the present appellant lodged complaint with Senior Registrar, Military Hospital, Ahmednagar about assault on her brother-in-law and her in laws. However, it *prima facie* appears that on the day of lodging the complaint, the respondent nos.2 and 3 were in jail. The respondent nos.2 & 3 are enlarged on bail by virtue of impugned order dated 08.07.2025. Therefore, said complaint falsify allegations of the appellant and complaint was lodged earlier prior to passing of the impugned order. The appellant has not brought any material on record to show that the respondents have breached the terms and conditions of the bail order dated 08.07.2025. Therefore, I do not find that the appellant has made out substantial grounds to interfere with the impugned order. Hence, the appeal is dismissed.

[Y.G. KHOBRADE, J.]