



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

32 CRIMINAL APPEAL NO. 18 OF 2026

SANJAY MADHAV NUKULWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. V. P. Golewar, Advocate for the Appellant
Mr. K. S. Patil, APP for Respondent No.1 – State
Mr. S. D. Tekwad, Advocate for Respondent No.2

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CORAM : Y. G. KHOBRAGADE, J.

DATE : April 06, 2026

PER COURT :-

1. Heard Mr. Golewar, the learned counsel for the appellant, the learned APP for respondent No.1 and Mr. Tekwad, the learned counsel for respondent No.2 / informant.

2. By the present appeal under Section 14(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant has prayed for anticipatory bail in connection with Crime No.275 of 2025, registered on 12.12.2025 with Mukhed Police Station for the offence punishable under Section 118(2) and 118(1) of B.N.S. Act and under Section 3(1)

(r), 3(1)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. On face of record, it appears that on 12.12.2025, the respondent No.2 / informant lodged an oral report with Mukhed Police Station, District Nanded, alleging that on 05.12.2025 at about 6.00 p.m., there were some exchange of words between he and Jalba Deorao Nukulwar on account of sitting in dinner row. Thereafter on 08.12.2025 at about 11.00 a.m., he with his cousin brother Suryakant Laxman Bhoiwade visited at village Betmogra on motorcycle and while returning at about 11.30 a.m., they visited near bus stand. At that time, (1) Namdeo Deorao Nukulwar, (2) Jalba Deorao Nukulwar, (3) Sanjay Madhav Nukulwar (present appellant), raised the hand, therefore he stopped the motorcycle. Thereafter, there were discussion between him and the accused persons and while taking, the accused Jalba Deorao Nukulwar abused him in filthy language and when he resisted from using the casteist slur, at that time the present appellant / accused Sanjay Madhav Nukulwar took out the knife and assaulted with the informant on his left hand, due to which he sustained blood injury. On the basis of said F.I.R., Crime No.275 of 2025 registered against the present appellant / accused and co

associates for the offence punishable under Section 118(2) and 118(1) of B.N.S. Act and under Section 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. On 22.12.2025, the learned Special Judge passed the impugned order below Exh.1 in Criminal Bail Application No.63 of 2025 and declined to release the present appellant / accused on anticipatory bail on the ground that the custody of the present appellant is necessary for the proper investigation, whereas the other accused Namdeo Deorao Nukulwar and Jalba Deorao Nukulwar are released on anticipatory bail.

5. The prosecution has filed affidavit reply and strongly resisted the appeal. The learned APP canvassed that as per the F.I.R., the incident is occurred in day time at about 11.30 a.m. and the appellant / accused assaulted the victim / respondent No.2 with knife at his elbow of left hand and due to said, grievous injury, the respondent No.2/ informant was hospitalized. So also, as per the discharge card summary report, the respondent No.2 sustained grievous injury and as such, sub-section (2) of Section 118 of the

B.N.S., provides punishment of life. So Lso, it is necessary to interrogate the present appellant in order to bring the previous enmity between him and respondent No.2 / informant. Hence, prayed for dismissal of the appeal.

6. The respondent No.2 / informant also filed reply affidavit and strongly resisted the appeal. The learned counsel for respondent No.2 canvassed that as per the medical certificate the present respondent No.2 lost his substantial blood due to assault with sharp weapon like knife and as per the injury certificate the injury is of grievous nature.

7. Needless to say that on 17.01.2026, this Court passed the order and enlarged the appellant / accused on ad-interim anticipatory bail on furnishing P. R. bond of Rs. 25,000/- and solvent surety in the like amount. So also, the appellant was directed to cooperate with the Investigating Officer including for recovery of any weapon.

8. Both the parties jointly submitted that, after the investigation was over, a charge-sheet has been filed against the appellant and the other two accused persons. As per the charge-sheet, a weapon, namely a knife, has been seized at the instance of the

present appellant/accused and sent for chemical analysis. As per the contents of the FIR, there are no allegations that the present appellant/accused abused Respondent No. 2 on the basis of caste. However, there are specific allegations of assault with a knife and causing a bleeding injury to the elbow of his left hand.

9. Since the Investigating Officer has already seized the weapon at the instance of the present appellant/accused, as provided under Section 27 of the Evidence Act, there is, to my mind, no necessity for custodial interrogation of the present appellant. Further, since there is no allegation of any caste-based slur made by the present appellant/accused against Respondent No. 2 in public view, the bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act does not apply, and therefore does not preclude the grant of anticipatory bail to the appellant/accused under Section 438 of the Cr.P.C. (Section 482 of the BNS).

10. On 17.01.2026, this Court granted ad-interim anticipatory bail to the appellant / accused. Therefore, it will be just

and proper to continue the said ad-interim anticipatory bail till conclusion of the trial on the same terms and conditions.

11. The impugned order dated 22.12.2025 passed by the learned Special Judge (Under SC/ST (POA)) and Additional Sessions Judge, Mukhed, District Nanded, below Exh.1 in Criminal Bail Application No.63 of 2025, is hereby quashed and set aside.

12. Accordingly, the appeal is disposed off.

[Y. G. KHOBRAGADE, J.]

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