



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

CRIMINAL APPEAL NO. 21 OF 2026

Tatya @ Arjun Sudhakar Marathe
Age:- 35 years, Occu: Busines,
R/o. Maroti Vyayamshala, Raisingpura,
Nandurbar, Dist. Nandurbar

... APPELLANT

VERSUS

1. The State of Maharashtra
Through Police Inspector
Nandurbar City Police Station
Dist. Nandurbar

2. Akshay Raju Bhill
Age: 30 years, Occu:- Business,
R/o. Shabrihatti, Bhilati, Near Kohinoor Talkies,
Nandurbar, Dist. Nandurbar

... RESPONDENTS

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Mr. Pralhad D. Bachate, Advocate for the Appellant

Mr. D. B. Bhangе, APP for Respondent No.1 – State

Mr. Nitin Dhobale, Advocate for Respondent No.2 (Appointed
through the Legal Aid)

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CORAM : Y. G. KHOBRAGADE, J.

RESERVED ON : April 08, 2026

PRONOUNCED ON : April 20, 2026

JUDGMENT :-

1. By the present appeal under Section 14-A of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Act, 1989, the appellant / accused is challenging the order dated 29.12.2025, passed below Exh.01 in Criminal Bail Application No.456 of 2025, whereby the learned Special Judge / Additional Sessions Judge, Nandurbar, declined to enlarge the appellant / accused on bail in connection with Crime No.580 of 2025, registered with Nandurbar City Police Station for the offence punishable under Sections 310(2), 311 of B.N.S., under Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, under Sections 37(1), 37(3) and 135 of the Maharashtra Police Act.

2. Heard Mr. Bachate, the learned counsel appearing for the appellant, Mr. Bhange, the learned APP for respondent No.1 and Mr. Nitin Dhoble, the learned counsel appointed for respondent No.2 / informant through the Legal Aid.

3. In short, the prosecution case is that, on 16.09.2025, at about 7.30 p.m., one Vishal Lahane informed the respondent No.2 / informant on phone call that, informant's brother Jay had been stabbed with a knife by one Bhaiya Sudhakar Marathe and was admitted to Neems Hospital. Therefore, he shut down his lorry and

visited the said hospital with his friend Dinesh Chaudhari through the lane passing from the house of Bhaiya Marathe and while proceeding, he noticed about standing of the accused persons i.e. (1) Tatya alias Arjun Marathe (present appellant), (2) Bhaiya Marathe, (3) Suraj Marathe, (4) Yash Tarage, (5) Dharu Koli, (6) Harshal Chaudhari, were standing there. Therefore, he inquired with accused Bhaiya Marathe, as to why he stabbed his brother with knife. At that time, the accused Bhaiya Marathe and Tatya Marathe told to gather all persons from Shahu Society and abused him on his caste by saying "हे भिलटे मातून गेले, त्यांचा माज उतरवा. थोड्या वेळापूर्वी एकाचा माज उतरविला, याचा आता माज उतरवा." and all of them abused him in the filthy language and assaulted with fist and blows and forcibly taken him in the house of accused Bhaiya Marathe. Thereafter, accused Tatya @ Arjun Marathe brought a sword from his house and assaulted him on his head, back, so also the accused persons snatched the gold ornaments from his person, cash and V-13 mobile phone. Thereafter, he visited at Nandurbar City Police Station and lodged the report. On which basis Crime No.580 of 2025 registered against the present appellant / accused and his associates i.e. Bhaiya Marathe, Suraj Marathe, Yash Tarage, Dharu Koli, Harshal Chaudhari.

4. The learned counsel appearing for the appellant canvassed that, on 27.11.2025, the learned Additional Sessions Judge, Nandurbar, passed the order below Exh.01 in Criminal Bail Application No. 338 of 2025 and enlarged the co-accused, Suraj Sudhakar Marathe and Yash Piran Tarage in Crime No.580 of 2025. Therefore, the appellant / accused who has played the similar role to the co-accused who are enlarged on bail, also entitled to release on bail on the ground of parity. It is further canvassed that the Investigating Officer conducted the investigation and recorded statements of the witnesses, drawn spot panchanama and seized the weapon. Therefore, nothing is required to be seized against the present appellant / accused. Further, the Investigating Officer has collected the injury certificate of the victim respondent No.2 / informant, wherein, the Medical Officer opined that the injuries Nos. 1 to 12 sustained to the injured / respondent No.2 are of simple in nature, so also, the statements of the witnesses recorded under Section 183 of B.N.S. are in corroborate story narrated in the F.I.R. Therefore, further custody of the present appellant / accused is not required. Hence, prayed for releasing the appellant / accused on bail during the course of trial.

5. The learned counsel for the appellant further canvassed that the prosecution has not brought *prima facie* material on record to show that the present appellant / accused played any role while commission of the crime. So also, the informant / respondent No.2 had tried to kill the present appellant and had created ruckus in his house, therefore, the wife of the present appellant had lodged F.I.R. No.579 of 2025 against the respondent No.2 / informant. Therefore, in order to drag the present appellant, the respondent No.2 has filed false F.I.R. against the present appellant. Further, as per the contents of the F.I.R., no offence is constituted under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. So also, the injury sustained to respondent No.2 are not of grievous nature. Therefore, the offence under Sections 310(2) and 311 of B.N.S. Act does not attract. Hence, prayed for releasing the appellant / accused on bail during pendency of the trial.

6. Per contra, the prosecution has filed affidavit reply of one Sanjay Fakira Mahajan, Sub Divisional Police Officer (S.D.P.O.) / Investigating Officer. The learned APP canvassed in vehemence that one Bhaiya Sudhakar Marathe has stabbed Jay, the brother of the

informant and with respondent No.2 was on the way to the hospital, one another accused Bhaiya Sudhakar Marathe and the appellant / accused abused the respondent No.2 / informant on his caste. Thereafter, the respondent No.2 / informant was beaten by the accused persons and dragged him in the house of appellant where the appellant brought sword and inflicted its blow on respondent No.2 and snatched the gold ornaments, cash and mobile. It is further canvassed that as per the seizure panchanama, the weapon used in the crime i.e. sword, is recovered at the hands of the appellant under the panchanama dated 21.09.2025. Respondent No.2/informant sustained grievous injuries and the appellant / accused assaulted with sword with an intention to commit the murder of respondent No.2. The offence under Section 310(2) and 311 of B.N.S. are punishable for ten years and the offence under Section 310(2) provides for ten years for committing dacoit and the punishment upto seven years provided for the offence under Section 311. Therefore, considering the nature of injuries and assault with deadly weapon like sword, the present appellant and other co-accused assaulted the respondent No.2 with sword to commit his murder. Therefore, considering the material available on record, it is prayed that the appeal be dismissed.

7. Mr. Nitin Dhoble, the learned counsel appointed through the Legal Aid for respondent No.2, supported the argument canvassed on behalf of the prosecution.

8. Needless to say that, Crime No.580 of 2025 registered on 17.09.2025 with Nandurbar Police Station on the basis of report lodged by the present respondent No.2 / informant. As per the recital of the F.I.R., it appears that on 16.09.2025 at about 7.30 p.m., one Vishal Lahane had informed on phone call to respondent No.2 about stabbing of his brother Jay with a knife by one another accused, Bhaiya Sudhakar Marathe. Therefore, he was proceeding towards Neems Hospital to see his brother through the lane passing by the house of Bhaiya Marathe and when he visited near Maruti Vyam Shala, at that time, the accused persons including the present appellant, were standing there. Thereafter, the accused Bhaiya Marathe told the respondent No.2 about stabbing with knife to his brother Jay and abused on his caste saying "हे भिलटे मातून गेले, त्यांचा माज उतरवा. थोड्या वेळापूर्वी एकाचा माज उतरविला, याचा आता माज उतरवा".

9. As per the contents of the F.I.R., the assault was made with knife on the informant on his head and with a sword on his

back. Thereafter, he went at the police station to lodge report. Thereafter, he was admitted in the civil hospital for medical treatment. The appellant has produced the M.L.C. injury certificate issued by the Medical Officer, District Hospital, Nandurbar. As per the injury certificate, the Medical Officer found following injuries:-

- (1) Head injury contusion of parietal site (R) side by Sharp object fresh in form.
- (2) Lacerative wound at (R) parietal posterior 2cm & 1cm fresh in form by sharp object.
- (3) Rt buttock incised lesion of size 5cm x 2cm fresh, by sharp object.
- (4) Left shoulder Abrasion of 5 cm x 6cm fresh.
- (5) (Rt) shoulder Abrasion 1x1cm, contusion of size 5x5cm by sharp object fresh.
- (6) Blunt trauma to (R) a (L) shoulder - swelling to (R) shoulder,
- (7) Blunt traumatic (R) eye sub-conjunctival hemorrhage Noted.
- (8) Blunt traumatic lesion to (R) ear.
- (9) Blunt trauma to (R) thigh.
- (10) Abrasion above (L) eye 1x1cm & outer canthus (L) eye 1x1cm.
- (11) Abrasion inter aspect of lower lip 1x1cm.
- (12) Blunt trauma to chest on CT report sub soft tissue swelling hematoma, mucosal thickening in left maxillary sinus.

10. As per the medical opinion, on CT thorax, reveals no significant findings and injuries 1 to 12 are simple in nature. Further, the Investigating Officer recorded the statements of the witnesses, drawn the spot panchanama as well as seizure panchanama of the sword which allegedly used while committing the crime. The present appellant / accused came to be arrested on 20.09.2025 and he is in jail. On completion of the investigation, the Investigating Officer has filed the charge-sheet. Therefore, there is no possibility of tampering of the evidence, so also, the present appellant / accused is the permanent resident of Nandurbar. The learned trial Court passed the order on 27.11.2025 below Exh.1 in Criminal Bail Application No.228 of 2025 and enlarged the accused Suraj Sudhakar Marathe and Yash Piran Targe in Crime No.580 of 2025. Therefore, considering the material available on record as well as the nature of injuries described in M.L.C. injury certificate, in my view, further custody of the present appellant is not required. However, by the impugned order dated 29.12.2025, the learned trial Court declined to grant bail to the present appellant and his associates, open assault on the de facto complainant on various body of part by lethal weapon and evidence of CCTV footage appears about the assault to the respondent No.2.

So also, there is repeated crimes at the hands of the appellant / accused and his associates in the society and disturbing the peace. Further, considering the nature of crime as well as the injuries sustained to the respondent No.2, in my view, the appellant has made out prima-facie case to enlarge him on bail.

11. Accordingly, I am inclined to grant the present appeal and proceed to pass the following order:-

ORDER

- (i) The present Criminal Appeal is allowed.
- (ii) The impugned order dated 29.12.2025, passed by the learned Special Judge/ Additional Sessions Judge, Nandurbar, below Exh.1 in Criminal Bail Application No.456 of 2025 is hereby quashed and set aside.
- (iii) The appellant / accused Taty @ Arjun Sudhakar Marathe, be released on bail in connection with Crime No.580 of 2025, registered with Nandurbar City Police Station for the offence punishable under Sections 310(2), 311 of B.N.S., under Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, under Sections 37(1), 37(3) and 135 of the Maharashtra Police Act, on furnishing P R. bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties in the like amount.

- (iv) The appellant / accused shall not directly or indirectly induce any witnesses or issue threat to the prosecution witnesses.
- (v) The appellant / accused shall not tamper with any prosecution evidence and witnesses and shall not involve in any other crime.
- (vi) The appellant / accused shall not leave the jurisdiction of Nandurbar City without prior permission of the learned trial Court.
- (vii) The appellant / accused shall furnish his detail address proof, mobile number as well as contact numbers of his two nearest relatives with the Investigating Officer.
- (viii) The respondent Nos. 1 and 2 will be at liberty to pray for cancellation of bail, in case the appellant / accused found in breach of any bail condition.
- (ix) The appellant / accused shall regularly attend the trial and cooperate for conclusion of the trial at the earliest.
- (x) The trial of Crime No.580 of 2025 is expedited.
- (xi) The fees of the appointed counsel Mr. Nitin Dhoble, shall be quantified as per rules and be paid by the High Court Legal Services Sub-Committee, Aurangabad.

[Y. G. KHOBRAGADE, J.]