



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 40 OF 2026

Vijay Shankar Sable

...Appellant

Versus

The State of Maharashtra and Another

...Respondents

Mr. Rajendrraa S. Deshmukkh, Senior counsel a/w Mr. Harshal Naudre i/b
Mr. Dodiya Ramankumar Gopal, Advocate for the Appellant.

Mr. V. S. Badakh, APP for Respondent – State.

Mr. Shekade Shashikant E., Advocate for Respondent No.2.

CORAM: ABHAY J. MANTRI, J.

DATE : MAY 05, 2026

PER COURT :

1. The Appellant, being dissatisfied with the order dated 16th September 2025 passed by the learned Additional Sessions Judge, Shrigonda, below Exhibit-1 in Criminal (Bail) Miscellaneous Application No.611 of 2025, thereby rejecting the Bail Application in connection with Crime No.I-481 of 2025 dated 25th August 2025, registered with Jamkhed Police Station, for the offences punishable under Sections 109(1), 118(1), 118(2), 119(2), 324(4), 189(2), 191(2), 191(3), 190, 351(2), 126(2) of the Bharatiya Nyaya Sanhita, 2023 (for short "**BNS**"), Sections 4, 25 of the Arms Act and Sections 3(2)(v), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short "**SC & ST Act**").

2. Heard Mr. Deshmukkh, learned senior counsel appearing for the Appellant, Mr. Badakh, learned APP for Respondent No.1 – State and Mr. Shekade, learned counsel appearing for Respondent No. 2. Perused the record and the charge-sheet.

3. On 24th August 2025, between 11:00 p.m. and 12:30 a.m., an incident occurred near Nath Pan Tapri, where a quarrel took place between the Informant and his associates and the Appellant and his associates. It is alleged in the FIR that the associates of the Appellant, holding swords, sickles, iron rods, and sticks, came on the spot and assaulted him and his associates and caused injuries to them. It is also alleged that Appellant was shouting, saying, “Do not let them live”. Based on his report, an offence was registered against the Appellant and other accused persons vide Crime No.481 of 2025 at Jamkhed Police Station.

4. Pursuant to the registration of the crime, the Appellant was arrested on 26th August 2025; therefore, he filed Criminal (Bail) Miscellaneous Application No.611 of 2025 before the learned Additional Sessions Judge, Shrigonda, who, by order dated 16th September 2025, rejected the same. Against the said order, the Appellant has preferred this Appeal.

5. Learned senior counsel appearing for the Appellant vehemently contended that in the FIR, there are no allegations against the Appellant that

he abused the Informant and his associates with a caste slur, but the allegations against him are only that he instigated the other accused persons and was shouting, saying, “Do not let live the Informant and his associates”. There are no specific allegations against the Appellant that he was holding any weapon or assaulted the Informant and his associates. He further submitted that the Appellant has no antecedents and has been in jail since 26th August 2025. The charge-sheet has been filed, and nothing remains to be recovered; therefore, he urged the grant of bail.

6. Learned APP and the learned counsel appearing for Respondent No. 2 strongly opposed the Application, contending that the Appellant, along with his associates, hatched the conspiracy and, in collusion, committed the crime and assaulted the Informant and his associates. During the quarrel, six people were injured. They further pointed out the statement of one eye-witness, Saddam Latif, and submitted that the said witness has categorically stated that the Appellant abused the Informant and his associates with a caste slur and instigated them to kill the Informant and his associates. They submitted that the Appellant, in furtherance of the common intention, instigated the co-accused persons to kill the Informant and his associates; therefore, they urged for dismissal of the Appeal. Moreover, the learned APP submitted that he has not received any instructions as to whether the Appellant has any criminal antecedents; therefore, he is unable to submit the

information about the same.

7. Having heard the learned counsel for the respective parties, as well as having gone through the charge-sheet, prima facie it appears that the Appellant was not holding any weapon with him nor did he assault the Informant and his associates, but the only allegation against him is that he instigated the co-accused persons and was shouted, saying, “Do not let live to the Informant and his associates.” Prima facie, in my view, the ingredients of Section 109(1) of BNS are not attracted against him.

8. It further appears that the investigation has been completed. The Investigating Officer has filed the charge-sheet in the Court on 21st November 2025, and nothing remains to be recovered from the Appellant. Nothing has been brought on record to show that he had criminal antecedents.

9. Having considered the above facts, though the allegations levelled against the Appellant are of a serious nature in my view, it would not be appropriate to detain the Appellant behind bars as the trial will take its own time.

10. As a result, **the Appeal is allowed in terms of prayer clause (c).**

11. Accordingly, the Appellant be released on bail in connection with Crime No.I-481 of 2025, registered with Jamkhed Police Station, for the offences punishable under Sections 109(1), 118(1), 118(2), 119(2), 324(4),

189(2), 191(2), 191(3), 190, 351(2), 126(2) of BNS, Sections 4, 25 of Arms Act and Sections 3(2)(v), 3(2) (va) of SC and ST Act on furnishing P.B. and S.B. of ₹ 1,00,000/- (Rupees One Lakh) with one or two solvent sureties, on the following conditions.

- (i) The Appellant shall not tamper with the prosecution evidence in any manner till the conclusion of the Trial.
- (ii) The Appellant shall not leave India without prior permission of the Court till the conclusion of the Trial.

12. The Appeal is disposed of.

(ABHAY J. MANTRI, J.)