



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 212 OF 2026

1. Pravin S/o. Gorakhnath Hingale,
 2. Govind S/o. Gangadhar Nirmal,
 3. Ravindra S/o. Raju Nirmal
 4. Parmeshwar S/o. Ankush Tawar
- ...Appellants

Versus

The State of Maharashtra and Another

...Respondents

Mr. Jadhav Walmik Shankar, Advocate for the Appellants.

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

Ms. Smita R. Kasture, Advocate for Respondent No.2.

CORAM: ABHAY J. MANTRI, J.

DATE : MAY 06, 2026

PER COURT :

1. The Appellants being dissatisfied with the order dated 13th February 2026 passed by the learned Special Judge (under SC & ST Act), Paithan in Bail Application No.27 of 2026, have filed this Appeal for grant of pre-arrest bail in connection with Crime No.0258 of 2025 dated 09th July 2025 registered with Pachod Police Station, Tq. Paithan, Dist. Chhatrapati Sambhajinagar, for the offences punishable under Sections 189(2), 191(2), 115 (2), 352, 351 (3) of the Bharatiya Nyaya Sanhita, 2023 (for short “**BNS**”) and Sections 3 (1) (r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “**SC & ST Act**”) has preferred this Appeal.

2. Heard learned counsel for the Appellants, learned APP for the Respondent – State and the learned counsel appearing for Respondent No.2. Perused the Appeal memo and the case papers.

3. It is pertinent to note that the learned APP fairly submits that the investigation is on the verge of completion and within a short period, the Investigating Officer is going to file the charge-sheet in the Court.

4. Learned counsel for the Appellants, during the arguments, submits that Accused No.5, Machindra Pandurang Hingle, expired on 01st July 2016 and pointed out the death certificate about him (page No. 38). He further submitted that Accused No. 1 – Abhijit Raju Nirmal has been released from the crime and Accused No. 2 – Pravin Gorakhnath Hingale is shown as an accused in two crimes, which were occurred on the same date and time; therefore, he submitted that it creates a doubt about the false implication of the Appellants in the present crime. As such, he urged the release of the Appellants on pre-arrest bail.

5. *Per contra*, learned APP and the learned counsel appearing for Respondent No. 2 vehemently opposed the Appeal on the ground that the Appellants, along with Accused No. 1 – Abhijit Nirmal, abused the Informant and his friends with a caste slur and assaulted him with fist blows and kicks and threatened them to kill. Therefore, they submit that prima facie the offence under the provisions of the SC & ST Act is made out.

6. Learned APP, during the arguments, showed the injury certificates of Mr. Amol, Jitesh, and Pravin and submitted that they sustained injuries during the quarrel, which itself shows that Appellants are not entitled to pre-arrest bail. Hence, they urged for dismissal of the Appeal.

7. It is pertinent to note that Machindra Pandurang Hingle expired on 01st July 2016; still, the Informant as well as the witnesses Amol and Pravin, in their statements, stated that Machindra Pandurang Hingale also assaulted them with fist blows and kicks and abused them. When he is no more, how could he have abused or assaulted them? Similarly, the Informant and these witnesses stated that Accused – Pravin Gorakhnath Hingale was present on the spot; however, it appears from the order passed in Criminal Appeal No. 560 of 2025 that in Crime No. 259 of 2025, Appellant – Pravin was shown as the accused. The said incident occurred on 09th July 2025 at 11:30 a.m., and this incident also occurred on 09th July 2025 at 11:30 a.m.; then how was the Appellant – Pravin present at both spots on the same day and time? The implication of the Appellant – Pravin Gorakhnath Hingale and Machindra Pandurang Hingale itself falsifies the averments made in the FIR as well as the statements of the witnesses. Moreover, Accused No. 1 – Abhijit Raju Nirmal has been released under Section 35(3) of the BNS.

8. Similarly, the medical certificates were perused, wherein the injuries sustained by all the victims are shown as simple. Moreover, the said

injuries appear to be contrary to the statements made by them to the Investigating Officer; therefore, this creates doubt.

9. The next question is that in the complaint, the Informant as well as the witnesses, in their statements, have stated that the accused persons abused them with a caste slur; however, on perusal of the complaint and the statements of the witnesses, prima facie, it appears that the allegations levelled against the Appellants are vague, omnibus, and general in nature. There are no specific allegations made against the Appellants that they abused the Informant with a caste slur. In view of the above, prima facie, the question of the bar under Section 18 of the SC & ST Act does not arise.

10. Apart from that, there are no allegations in the complaint as well as the statements of witnesses that the Appellants, along with other accused persons, were holding any weapon or they assaulted the victims by means of any weapon; therefore, the question of recovery of the weapons does not arise in the case. For that purpose, custodial interrogation is not required in the present case.

11. Having considered the above discussion as well as the fact that the investigation is on the verge of completion and the Investigating Officer will file the charge-sheet shortly in the Court, in my view, custodial interrogation of the Appellants is not required in the present crime.

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

13. Accordingly, in the event of arrest of Appellants Nos. 1. Pravin S/o. Gorakhnath Hingale, 2. Govind S/o Gangadhar Nirmal, 3. Ravindra S/o Raju Nirmal, and 4. Parmeshwar S/o Ankush Tawar be released on bail in connection with Crime No.0258 of 2025, registered with Pachod Police Station, Tq. Paithan, Dist. Chhatrapati Sambhajnagar, for the offences punishable under Sections 189(2), 191(2), 115 (2), 352, 351 (3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 (1) (r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing P.B. and S.B. of ₹ 50,000/- each with one or two solvent sureties on the following conditions.

- (i) The Appellants shall attend the Pachod Police Station on 14th May 2026 and thereafter as and when called by the Investigating Officer, till filing of the charge-sheet.
- (ii) The Appellants shall not tamper with the prosecution evidence in any manner till the conclusion of the Trial.
- (iii) The Appellants shall not leave India without prior permission of the Court till the conclusion of the Trial.

14. Needless to clarify, Ms. Smita R. Kasture, learned counsel, was appointed by this Court to represent Respondent No.2, who is on the panel of the Legal Services Authority. As such, her fees be quantified by the High Court Legal Services Sub-Committee, Aurangabad in accordance with law.

(ABHAY J. MANTRI, J.)