



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL NO.579 OF 2024

SHADAB @ MUNNA HANIF KHAN
VS
THE STATE OF MAHARASHTRA AND ANOTHER

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri M.N.Ali, Advocate for appellant.
Shri U.R.Phasate, APP for respondent/State.
Shri N.D.Dawda, Advocate for respondent no. 2.

CORAM : NEERAJ P.DHOTE, J.
DATE : 04/03/2026

This is an Appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SC & ST Act') against the order dated 26/09/2024 passed by the learned Additional Sessions Judge and Special Judge, Nagpur, rejecting the Bail Application below Exh. 178 in Special Case No. 523/2020.

2. Heard the learned counsel for the Appellant, the learned APP for the State and the learned counsel for the Respondent no. 2-victim. Perused the papers on record.

3. It is submitted by the learned counsel for the Appellant that, the co-accused to whom similar role is attributed, has been released on bail by this Court in Criminal Appeal No. 625/2024, decided on 06/12/2024, Cri. Appeal No. 68/2025, decided on 07/11/2025 and Cri. Appeal No. 614/2025, decided on 30/01/2026. He submits that, on the ground of parity, the Appellant is

entitled for bail. Hence, the Appellant be allowed. He tenders across the bar the copies of said decisions.

4. The Appeal is opposed by the learned APP for the State and learned counsel for Respondent no. 2. They submit that, there is substantial progress in the trial and till date, thirteen (13) witnesses have been examined. They further submit that, there is recovery of weapon at the instances of the Appellant. Hence, the Appeal be dismissed.

5. The case of the prosecution is that, on 06/08/2020, around 15 persons assaulted the deceased Badal and Ilias due to old enmity. In the assault, the weapon like knife and stones were used. The report was lodged with the concerned Police Station and Crime bearing No. 437/2020, dated 07/08/2020 came to be registered for the offences punishable under Sections 143, 147, 148, 149, 324, 326, 504, 307 and 302 of the Indian Penal Code (for short, 'IPC'), for the offences punishable under Section 4 r/w. Section 25 of the Arms Act and for the offences punishable under Sections 3(2)(v), 3(2)(va) and 3(1)(r) of the SC & ST Act.

6. Undisputedly, the co-accused by name Arbaj, Tikesh and Pawan had approached this Court as their Bail Applications were rejected by the learned Trial Court. The copies of the orders tendered across the bar by the learned counsel for the Appellant shows that, the said co-accused are granted bail by this Court. There is nothing to show that, the role attributed to the Appellant was graver than the role attributed to the said co-accused, who are granted

bail. The order dated 30/01/2026 shows that, at that time, ten (10) witnesses were examined, out of 38 witnesses, which were cited by the prosecution. At present, according to the learned APP, the prosecution has examined thirteen (13) witnesses out of 38 witnesses. However, considering the ground of parity, the Appellant is entitled for bail on the same terms and conditions. Hence, the following order:-

ORDER

I) The Appeal is **allowed**.

II) The impugned order dated 26/09/2024 passed by learned Additional Sessions Judge, Special Judge, Nagpur below Exh. 178 in Special Case No. 523/2020, is hereby quashed and set aside.

III] The Appellant **Shadab @ Munna Hanif Khan** be released on bail in connection with Crime 437/2020 for the offences punishable under Sections 143, 147, 148, 149, 324, 326, 504, 307, 302 of the Indian Penal Code, under Section 4 read with 25 of the Arms Act and under Sections 3(2)(v), 3(2) (va) and 3(1)(r) of the SC and ST Act, on executing PR. Bond of Rs.25,000/- with one surety in the like amount.

IV] The Appellant shall not tamper in any way with the prosecution evidence.

V] The Appellant shall attend the concerned Police Station on every Monday and Saturday between 1.00 p.m. to 2.00 p.m.

VI) The Appellant shall co-operate in the early disposal of the case.

VII) Bail before the Trial Court.

VIII) The fees of the learned Advocate appointed to represent the Respondent no. 2-Victim is quantified for the Appeal at Rs. 7,500/- [Rupees Seven Thousand Five Hundred Only], which shall be paid by the High Court Legal Services Sub-Committee, Nagpur.

IX) Accordingly, the Appeal stands **disposed of**.

(NEERAJ P. DHOTE, J.)

B.T.K.