



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

CRIMINAL APPEAL NO. 414/2025

Banti Alia Abhishekh Kashinath Hiranwade

Vs.

State of Maharashtra and Anr.

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

Court's or Judge's order

.....
Mr. S. V. Sirpurkar, Advocated a/b. Mr. M. N. Agrawal, Advocate for
Appellant.

Mr. G. S. Umale, A.P.P. for Respondent/State.

Mr. R. R. Rathod, Advocate for Respondent No.2.

CORAM : NEERAJ P DHOTE, J.

DATED : 08.04.2026

1. 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 19.03.2025 passed by the learned Additional Sessions Judge, Yavatmal below Exhibit -19 in Special Case No.62/2024, rejecting the bail application of the Appellant.

2. The aforesaid Sessions Case arise out of the Crime No.0185/2024 registered with Lohara Police Station, District Yavatmal for the offence punishable under Sections 302, 323, 504, 506 read with 34 of the Indian Penal Code (for short, 'IPC') and for the offence punishable under Sections 3(2)(va) of the SC & ST Act.

3. It is the prosecution's case that, there was dispute between the accused No.1- Dixit Vijay Hiranwade and the family of deceased Jay Vijay Patil. On 30.04.2024, in the afternoon, when the deceased and witness Vaibhav Kamble were returning home on the motorcycle, the

Appellant and the co-accused Dixit Hiranwade assaulted the deceased with knife and iron rod. The deceased succumbed to the injuries. The incident was reported to the police. During investigation, the statement of the eye witness came to be recorded. After completion of the investigation, the charge-sheet came to be filed.

4. It is submitted by the learned Advocate for the Appellant that, the death was due to stab injuries caused by the co-accused - Dixit Hiranwade. Though the role of assault by the iron rod on the head of the deceased is attributed to the Appellant, the postmortem report does not show any injury on the head of the deceased. The cause of death was due to stab injury. The Appellant is behind bars for almost two (2) years and the charge was not yet framed and the Sessions Case was at the stage of production. He submitted that, the Appellant be granted bail on merits as well as on the point of delay in trial.

5. It is submitted by the learned A.P.P. that, column No.23 of the postmortem report shows that, the injuries mention in column No.21 with corresponding injuries mention in column No.17, were sufficient in ordinary course of nature to cause death. He does not dispute that, the charge was not framed. He submitted that, the Appeal be dismissed.

6. It is submitted by the learned Advocate for Respondent No.2 that, the accused No.1- Dixit threatened the witnesses with dire consequences. The family of the deceased was under threat and, therefore, the Appeal be dismissed.

7. With the assistance of both the sides, perused the papers on record. The prosecution's case is based on the eye witness account. The eye witness attributed the role of assault to the Appellant on the deceased by the iron rod on the head of the deceased. The role of stab injuries by the knife is attributed to the co-accused – Dixit. The postmortem report shows the cause of death as death due to stab injuries. The column No.19 of the postmortem report in respect of head shows no fracture and the skull intact. The learned Sessions Court in the impugned order has observed that, there is no medical evidence as to how much the head injuries were serious. The Appellant is behind bars since 01.05.2024. Considering the role attributed to the Appellant and the above observations, the Appellant can be enlarged on bail by imposing appropriate conditions. Hence, the following order :

ORDER

- i] The Appeal is allowed.
- ii] The impugned order dated 19.03.2025 passed by the learned Additional Sessions Judge, Yavatmal below Exhibit -19 in Special Case No.62/2024 is quashed and set aside.
- iii] The Appellant shall be released on bail in connection with Crime No.0185/2024 registered with Lohara Police Station, District Yavatmal for the offence punishable under Sections 302, 323, 504, 506 read with 34 of the Indian Penal Code and for the offence

punishable under Sections 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on executing PR. Bond of Rs.25,000/- with one (1) solvent surety in the like amount.

- iv] The Appellant shall co-operate with the learned Trial Court.
- v] The Appellant shall not tamper with the prosecutions evidence in any manner.
- vi] The Appellant shall not enter the territorial jurisdiction of Yavatmal City, except for attending trial, until further orders.

The Criminal Appeal is disposed of.

(NEERAJ P. DHOTE, J.)