



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

CRIMINAL APPEAL NO.436/2025

(Satish S/o Babanrao Trikal Vs. State of Maharashtra, through Police Station Officer Police Station Dongaon
Buldhana, Tq. Mehkar and Distt. Buldhana and another)

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

Court's or Judge's orders

Mr. Dhruv S. Sirpurkar, Advocate for the Appellant.
Mr. Bhagwan M. Lonare, A.P.P for the Respondent No.1/State.
Ms. Ragini K. Swami, Advocate (appointed) for the Respondent No.2/Victim.

CORAM: NEERAJ P. DHOTE, J.

DATED: 22.1.2026.

This an Appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SCST Act") against the order dated 02.04.2025 passed by the learned Special Judge, Mehkar, District Buldhana rejecting the application for regular bail preferred by the Appellant in Crime No.284/2024 registered with Dongaon Police Station for the offence punishable under Sections 103(1) read with Section 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 3(2)(v) of the SCST Act.

2. The case of the prosecution, as noted by the learned trial Court in the said order, is reproduced below:-

According to prosecution's case on 05.12.2024, at about 11.00 a.m., accused Nitesh Khandare, Satish Trikal and Pawan Waghmare took deceased Santosh near graveyard of village Vishvi. Accused Pawan Gulab Rathod was already present over there. On suspicious that deceased Santosh had stolen iron angle from the field of accused Pawan Rathod, accused person have mercilessly beaten to Santosh

and left him to his house on motorcycle. Deceased Santosh had narrated the incident to his real brother/informant Vijay Khandare. After some time Santosh Khandare died in his house at village Vishvi. Thereafter, informant/real brother of deceased Santosh lodged report at Police Station, Dongaon.

3. Heard the learned Advocate for the Appellant, learned Additional Public Prosecutor for the Respondent No.1/State and the learned Advocate for the Respondent No.2/Victim.

4. It is submitted by the learned Advocate for the Appellant that only evidence against the Appellant is the oral dying declaration in which omnibus statement was made against the Appellant for assault on the deceased. The case is based on the circumstantial evidence and except the oral dying declaration there is no other material to connect the Appellant with the crime. He submits that the Appellant is ready to abide by any terms and conditions and the Appeal be allowed.

5. It is submitted by the learned Additional Public Prosecutor that the co-accused by name Pawan Gulab Rathod had filed Criminal Appeal No.363/2025 against the rejection of his bail application and the said Appeal came to be withdrawn on 06.10.2025. He submits that considering the nature of the offence, the Appeal be dismissed.

6. It is submitted by the learned Advocate for the Respondent No.2/Victim that apart from the dying declaration the other material against the Appellant is video recording of the incident which has been sent to the Laboratory and the report is awaited. She submits that the Appellant is threatening the Informant to withdraw the

report and if the Appeal is allowed the Appellant will tamper with the prosecution witnesses and so the Appeal be dismissed.

7. Heard all the sides. Perused the material available on record. The aforesaid crime is registered on the report lodged by the brother of the deceased. F.I.R. shows that, the prosecution's case is based on the oral dying declaration made by the deceased to the Informant brother. In the oral dying declaration omnibus statement of assault on the deceased on legs and back is made against the Appellant. The cause of death is 'Head Injury'. The other evidence, according to the prosecution, is recording of the incident in one mobile phone which is sent for the chemical analysis. Admittedly, the report is awaited. It is not known as to when the said report would be received. Since video recording is already seized, there is no question of its tampering. The investigation is complete and the charge-sheet is filed. Under such circumstances, I am inclined to allow the Appeal on the following terms.

- i) The impugned order dated 02.04.2025 is quashed and set aside.
- ii) The Appellant be released on bail on executing P.R. bond of Rs.25,000/- and one surety in the like amount.
- iii) The Appellant shall not tamper with the prosecution witnesses in any manner.
- iv) The Appellant shall attend the Dongaon Police Station on Monday of last week of every month in between 11 a.m. to 2 p.m. until further orders.
- v) The Appellant shall co-operate with the learned trial Court.

- vi) The Appellant shall not enter the village Vishvi, Taluka Mehkar, District Buldhana until further orders.
- vii) Fees of the learned Advocate for the Respondent No.2/Victim is quantified at Rs.7,500/-. Accordingly, the same be paid by the Legal Aid Services Authority.

(NEERAJ P DHOTE, J.)