



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

CRIMINAL APPEAL NO. 473/2025

Shankar @ Sheru Bholasingh Rathod

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. R. M. Daga, Advocate for Appellant.

Mr. Bhagwan M. Lonare, A.P.P. for Respondent/State.

CORAM : NEERAJ P DHOTE, J.

DATED : 21.01.2026

1. Though served, none appears for the Respondent No.2.

2. Admit. Heard finally at the stage of admission with the consent of learned Advocate appearing for the parties.

3. This is an Appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'Atrocities Act') of grant of regular bail.

4. It is the case of the prosecution that, on 22.02.2024, when the witnesses were present in the programme at the place of the Informant, the Appellant came there and asked the witness Anisha Nikesh Ingole as to why she has not receiving his phone call and as to why her mother was not returning the money. The Appellant abused the said witness Anisha. The deceased - Mahesh, who is the brother of the Informant intervened and asked the Appellant

as to why he was used abusive words. The quarrel took place between the Appellant and the said deceased. The Appellant went to his home and immediately came back with knife in his hand accompanied by his son. The Appellant gave blow by the knife on the chest of the deceased. The said blow proved fatal. The incident was reported to the Imamwada Police Station and crime bearing No.103/2024 came to be registered against the Appellant and his son for the offences punishable under Sections 302, 294 read with Section 34 of the Indian Penal Code (for short, 'IPC'). Subsequently, Sections of SC and ST Act came to be added in the crime. The Appellant and the co-accused came to be arrested. The investigation culminated in filing of Charge-sheet. The Appellant filed application for bail, which came to be rejected by the learned Trial Court by Order dated 14.05.2025. Hence, this Appeal.

5. It is submitted by the learned Advocate for the Appellant that, even if, the prosecution's case is accepted as it is, it does not show that, the Appellant was having any intention to kill the deceased. This is a case of single blow and since there was no intention on the part of the Appellant to kill the deceased and the incident took place due to the sudden quarrel, the offence under Section 302 of the IPC is not made out. He submitted that the Appellant is behind bars for a period of two year and the Charge is not yet framed. He submits that, the Appeal be allowed and the Appellant be released on bail. He relied on the Judgements in the case of *Gali Venkataiah Vs. State of Andhra Pradesh [2008 ALL MR (Cri) 561 (S.C.)]*, *Amiruddin Vs. State (Delhi*

Administration) [(2020) 13 SCC 368] and *Ramjit & Ors. Vs. State of U.P.* [2009 ALL MR (Cri) 495 (S.C.) 495] in support of his contention that, a single blow do not show intention to kill and offence would fall under Section 304 Part II of the IPC.

6. The learned A.P.P. opposes the Appeal. He submits that, the Appellant gave blow by knife on the chest of the deceased, which clearly show the intention to kill. The case is fixed for Charge. Considering the nature of the offence, the Appeal be dismissed.

7. With the assistance of the learned Advocate for the Appellant and the learned A.P.P. for the State, perused the papers on record. Undisputedly, the incident occurred due to the quarrel between the Appellant and witness - Anisha Ingole. The deceased intervened in the quarrel, there was altercation between the Appellant and the deceased and the Appellant went to his home and immediately came on the spot with knife and gave blow in the chest of the deceased. The Postmortem Report indicate one injury on the left lateral aspect of the chest of deceased. Undisputedly, the said injury proved fatal.

8. Admittedly, there was no enmity between the deceased and the Appellant. As there were no repeated blows on the deceased and the incident was due to quarrel, the possibility of the offence getting scaled down cannot be ruled out. On going through the said Judgments cited by the learned Advocate for the Appellant, the facts were more or less similar and the conviction was brought down for the offence punishable under Section 304 Part II of the IPC. The

Appellant is behind bar for two years. He is ready to abide by the terms and conditions. In that view of the matter, the following order is passed :

- a] The Appeal is allowed.
- b] The order passed on 14.05.2025 by the Additional Sessions Judge-11, Nagpur below Exhibit – 58 is hereby quashed and set aside.
- c] The Appellant – Shankar @ Sheru Bholasingh Rathod be released on bail in connection with Crime No.103/2024 registered at Police Station, Imamwada, District Nagpur for the offences punishable under Sections 302, 294, 324, 34 and 212 of the Indian Penal Code, 1860, Sections 3(2)(v), 3(2)(r), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Sections 4 and 25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951, on executing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- d] The Appellant shall not enter the jurisdiction of the Imamwada Police Station without the permission of the learned Trial Court.
- e] The Appellant shall not in any way tamper with the prosecution evidence.

- f] The Appellant shall co-operate the learned Trial Court.

The Criminal Appeal is disposed of accordingly.

(NEERAJ P DHOTE, J.)