



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

CRIMINAL APPEAL NO. 500 OF 2025

SWAPNIL GYANESHWAR BAWANE

Vs.

THE STATE OF MAHARASHTRA THR. PSO PS PUSAD
CITY DIST. YAVATMAL AND ANR.

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

Court's or Judge's orders.

Mr. Pankaj Navlani, Advocate for the Appellant.

Mr. U. R. Phasate, APP for the State.

Mr. Rizwan Khan Aleem Khan, Advocate for Respondent No.2.

CORAM : NEERAJ P. DHOTE, J.

DATE : 10th FEBRUARY, 2026.

1. This is an appeal under Section 14-A of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SC/ST Act") against the order dated 18.09.2025 passed by the learned Additional Session Judge at Pusad rejecting the Regular Bail Application No.401 of 2025 moved by the appellant.

2. Crime bearing No. 292 of 2025 came to be registered with Pusad Police Station District Yavatmal for the offence punishable under Sections 109(1), 115(2), 3(5), 351(3), 352 of Bharatiya Nyaya Sanhit, 2023 (for short BNS)

3. It is the case of the prosecution that, on 12.05.2025 at

around 8.45 p.m., when the deceased Surendrakumar Bhagat had gone in the ward to distribute the sweet milk on account of Budhha Pournima, co-accused and the Appellant reached there. The deceased was assaulted by the co-accused with knife. The Appellant assaulted the deceased with legs and fist blows. The deceased was moved to the hospital and the incident was reported to the police.

4. Heard Learned Counsel for the Appellant, learned APP for the State, learned counsel for Respondent No.2. With their assistance, perused the papers on record.

5. The FIR shows that on 15.04.2025 quarrel had taken place between the deceased and the co-accused. Out of the said quarrel, the deceased was assaulted on 12.05.2025. The report was lodged by the brother of the deceased. Perusal of the FIR shows that the role attributed to the Appellant is assault by legs and fist blows. The statement of the informant was subsequently recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) before the Magistrate. In the said statement shows that, no role of assault is attributed to the Appellant. The statement of the witnesses before whom the oral Dying Declaration was made by the deceased also do not

attribute any role to the Appellant in the assault. The role is attributed to the co-accused.

6. Since the Appellant belong to the SC/ST, prima facie, the offence punishable under SC/ST Act will not be attracted against the Appellant. The Appellant is behind bar since 13.05.2025. The investigation is over and the charge-sheet is filed. Considering the role attributed to the Appellant and observation by the learned Sessions Court in the impugned order that *"It is true that there are no allegation that the applicant has used any weapon and caused injury to the deceased"*, the Appellant can be released on bail by imposing conditions.

7. In view of the above, I proceed to pass the following order:

ORDER

- (i) The Criminal Appeal is allowed.
- (ii) The order dated 18th September 2025 passed by the learned Sessions Judge, Pusad in Criminal Bail Application No.401 of 2025 is quashed and set aside.
- (iii) The Appellant- Swapnil Gyaneshwar

Corrected as
per Hon'ble
Court's
order dated
16.02.2026

Bawane be released on bail in connection with Crime bearing No. 292 of 2025 registered with the Pusad Police Station District Yavatmal for the offence punishable under Sections 109(1), 115(2), 3(5), 351(3), 352 of Bharatiya Nyaya Sanhit, 2023, and under Sections 3(2)(v) and 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act, 1989, on furnishing his P.R. Bond in the sum of Rs.25,000/- (Twenty Five Thousands only) with one surety in the like amount.

(iv) Bail before the Trial Court.

(v) The Appellant shall not temper with the prosecution evidence in any manner.

(vi) The Appellant shall co-operate with the learned trial Court.

(vii) The Appeal stands disposed of.

(NEERAJ P. DHOTE, J.)