



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

CRIMINAL APPEAL NO.512/2025

(Nilesh S/o Krishna Sarode Vs. State of Maharashtra, through Police Station Officer, P.S. Ambazari, Nagpur 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. R.M. Daga, Advocate for the Appellant.
Mr. Ujjawal R. Phasate, A.P.P. for the Respondent No.1/State.
Ms. Zeenat M. Advocate h/f. Mr. Sazad Khan, Advocate for the Respondent No.2.

CORAM: NEERAJ P. DHOTE, J.

DATED: 6.2.2026.

Heard the learned Advocate for the Appellant, the learned A.P.P. for the Respondent No.1/State and the learned Advocate for the Respondent No.2.

2. Admit.

3. The Crime bearing No.129/2025 came to be registered with Ambazari Police Station for the offence punishable under Sections 103(1), 296, 351(3) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (for short "BNS"), for the offence punishable under Section 3(2)(v) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SCST" Act) against the Appellant and one another. It is the prosecution's case that on 07.03.2025 at 04.00 p.m. the Appellant hurled abuses at the deceased Vishal which resulted in quarrel. The Appellant threw one bamboo towards the deceased. Thereafter the co-accused Kisan assaulted the deceased with steel rod on the head and face. The injuries proved fatal. The deceased died due to the Head injury. The investigation was done and the Chargesheet came to be filed.

4. With the assistance of both the sides, I have gone through the papers on record. There are three eye witnesses to the incident. One eye witness namely Rajesh attributes the role of throwing bamboo towards the deceased to the Appellant. The other two witnesses do not speak anything against the Appellant. There are CCTV Footage of assault to the deceased. The role of assault by the steel rod to the deceased is attributed to the co-accused Kisan. The learned Sessions Court in the impugned order dated 22.07.2025, by which the bail application is rejected, has observed as follows:-

“8. Undisputedly, there is no allegation against the accused No.2 Nilesh that he also assaulted the deceased which led to his death, however, the statements of the witness i.e. namely witness Rajesh Shukla make it clear that accused No.2 Nilesh initiated the quarrel with the deceased Vishal and continued to engage in heated altercation with him which led to scuffle between them.”

5. Considering the material available on record and the role attributed to the Appellant, he can be released on bail by imposing appropriate conditions. Hence, the following order:-

ORDER

- i) The Appeal is allowed.
- ii) The impugned order dated 22.07.2015 passed by the learned Sessions Court, Nagpur below Exh.5 in Special Case No.326/2025 is quashed and set aside.
- iii) The Appellant be released on bail on executing PR. bond of Rs.25,000/- with one surety in the like amount.
- iv) The Appellant shall not tamper with the prosecution's evidence in any manner.

- v) The Appellant shall co-operate with the learned trial Court.
- vi) The Appeal stands disposed of.

(NEERAJ P. DHOTE, J.)