



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

CRIMINAL APPEAL NO. 614/2025

Arbaj s/o. Jabbar Shaikh

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. D. Chande and Ms S. Kulkarni, Advocate for Appellant.
Mr. Bhagwan M. Lonare, A.P.P. for Respondent/State.
Ms. Neerja Chaubey, Advocate (Appointed) for Respondent No.2.

CORAM : NEERAJ P. DHOTE, J.

DATED : 30.01.2026

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 and ST Act') against the order dated 16.05.2025 passed by the learned Additional Sessions Judge-11 and Special Judge rejecting the bail application of the appellant below Exhibit 280 in Special Case No.523/2020.

2. Heard the learned Advocate for the Appellant, Learned A.P.P. for the State and learned Advocate for respondent No.2. With their assistance, perused the papers on the record.

3. **Admit.**

4. The case of the prosecution is that, on 07.08.2020, around 15 persons assaulted the deceased Badal and Ilyas due to old enmity. In the assault, the weapons like knife and stones were used. Report was lodged with the

concerned Police Station and crime bearing No.437/2020 came to be registered for the offences punishable under Sections 143, 147, 148, 149, 324, 326, 504, 307, 302 of the Indian Penal Code (for short, 'IPC'), under Sections 4 read with 25 of the Arms Act and under Sections 3(2)(v), 3(2)(va) and 3(1)(r) of the SC and ST Act.

5. Undisputedly, on the earlier occasion, the Appellant along with two co-accused had filed Criminal Appeal No.625/2024 for grant of bail as the learned Trial Court had rejected their regular bail. The said Appeal came to be disposed of by order dated 06.12.2024 by which the co-accused Pawan @ Pawnati was granted bail. Thereafter, the Appellant approached the learned Trial Court for grant of bail on the ground of delay in trial. The said application is rejected by the impugned order. Undisputedly, this Court by order dated 07.11.2025 in Criminal Bail Application No.68/2025 granted the bail to the co-accused Tikesh @ Golu Shivdas Shahu on the ground of parity by observing that, out of 15 accused persons, 10 were already released on bail. Undisputedly, the role attributed to the present Appellant is similar to the role attributed to the said accused Tikesh @ Golu. This Court in the said order also considered the ground of delay in trial as the said appellant was behind bars for a period of 5 years and 4 months and there was no progress in the trial. Undisputedly, the Appellant is behind bars for a period of 5 years and 6 months. Though, according to the learned A.PP, 10 witnesses are examined, in all 38 witnesses are cited. Under such circumstances of the

case, the Appellant is entitled for bail on the ground of parity and also delay in trial. Hence, the following order :

- a] The Appeal is allowed.
- b] The order dated 16.05.2025 passed by the learned Additional Sessions Judge-11 and Special Judge below Exhibit – 280, is hereby quashed and set aside.
- c] The Appellant - Arbaj s/o. Jabbar Shaikh shall be released on bail in connection with Crime 437/2020 for the offences punishable under Sections 143, 147, 148, 149, 324, 326, 504, 307, 302 of the Indian Penal Code, under Sections 4 read with 25 of the Arms Act and under Sections 3(2)(v), 3(2)(va) and 3(1)(r) of the SC and ST Act, on executing PR. Bond of Rs.25,000/- with one surety in the like amount.
- d] The Appellant shall not in any way tamper with the prosecution evidence.
- e] The Appellant shall attend the concerned Police Station on every Monday and Saturday between 1.00 p.m. to 2.00 p.m.
- f] The Appellant shall co-operate in the early disposal of the case.

g] The fees of the appointed Advocate for the respondent No.2 – Victim is quantified at Rs.7500/-.

The Criminal Appeal is disposed of.

(NEERAJ P. DHOTE, J.)