



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

CRIMINAL APPEAL NO.32/2026

(Rupesh S/o Santoshrao Zade Vs. State of Maharashtra, through its Police Station Officer, Police Station Babhulgaon, Tah. Babhulgaon, District Yavatmal 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. P.V. Navlani, Advocate for the Appellant.
Ms. S.S. Dhote, A.P.P. for the Respondent No.1/State.
Ms. Sakshi A. Pathak, Advocate (appointed) for the Respondent No.2/Victim.

CORAM: NEERAJ P. DHOTE, J.

DATED: 4.3.2026.

This is an Appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SCST Act") as the Regular Bail Application of the Appellant below Exh.25 in Special Case No.75/2025 came to be rejected by the learned Additional Sessions Judge, Yavatmal vide order dated 05.01.2026.

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

3. It is the case of prosecution that, the Informant's deceased husband and the sister-in-law of the Appellant were having illicit relations. The relations were known to their family members. On 19.04.2025 when the Appellant came home, he saw the deceased inside the house wherein only the sister-in-law of the Appellant was present. Quarrel took place between the Appellant and the deceased. The Appellant assaulted the deceased. The accused No.2 Pawan and accused No.3 Vikas joined the Appellant and they also assaulted the

deceased. The injuries suffered by the deceased proved fatal. The wife of deceased reported the incident to the Babhulgaon Police Station and Crime bearing No.0256/2025 came to be registered against the Appellant and 2 others for the offence punishable under Sections 103(1), 351(3), 351(2) of the Bhartiya Nyaya Sanhita (for short “BNS”) and later on Sections 3(2)(v) and 3(2)(va) of the SCST Act came to be included in the crime. After the investigation, Charge-sheet came to be filed.

4. In the First Information Report (F.I.R.) lodged by the wife of the deceased she has attributed the role of assault to the Appellant by iron rod whereas in the statement of the Informant recorded before the Magistrate she attributes no role of assault to the Appellant. In the said statement before the Magistrate, she attributes role of assault to the accused Nos.2 and 3. The statement of the witness i.e. sister-in-law of the Appellant, who is the eye-witness to the incident shows that, when the deceased was present in her house, the Appellant came and questioned the deceased about his presence in the house and assaulted the deceased with some article and the deceased fell down on the iron cot. According to the sister-in-law, the accused Nos.2 and 3 came inside the house and they assaulted the deceased with some articles. In the statement of sister-in-law before the Magistrate, she stated of quarrel and a free fight between the deceased and the Appellant. Undisputedly, the accused Nos.2 and 3 to whom the role of assault is attributed are released by the learned trial Court by order dated 30.10.2025, below Exh.3. This *prima facie* shows that, the possibility of scaling down the offence cannot be ruled out. The papers indicate that, in the year 2024 N.Cs. were lodged

against the deceased by the Appellant and by the husband of the said woman. Under such circumstances, the registration of one crime for the offence punishable under Sections 324 read with Section 34 of the Indian Penal Code against the Appellant will not be a ground to refuse the bail. The investigation is complete and the Charge-sheet is filed. The case of bail is made out. Hence the following order.

ORDER

- i) The Appeal is allowed.
- ii) The impugned order dated 05.01.2026 is quashed and set aside.
- iii) The Appellant be released on bail on executing P.R. bond for Rs.50,000/- with one solvent 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 in the trial.
- vi) The fees of learned Advocate appointed for the Respondent No.2/Victim is quantified at Rs.7,500/-. The same shall be paid by the High Court Legal Services Authority.
- vii) The Appeal is disposed of in the above terms.

(NEERAJ P. DHOTE, J.)