



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

CRIMINAL APPLICATION NO. 95 OF 2026

IN

CRIMINAL APPEAL (ST) NO. 1235 OF 2026

Mahesh Ramdas Waghmare

Vs.

State of Maharashtra and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Sumit B. Gandhe, Advocate for applicant.
Shri G. S. Umale, APP for non-applicant no. 1/State.
Shri Usaiduddin E. Quazi, Advocate for non-applicant no. 2.

CORAM :- Y. G. KHOBRAGADE, J.

DATED :- 23.04.2026

Heard Shri Gandhe, learned counsel appearing for the applicant, Shri Umale, learned APP appearing for the State and Shri Quazi, learned counsel appearing for non-applicant no. 2.

2. Having heard the submissions canvassed on behalf of the respective parties, gone through the application for condonation of delay and the replies filed by the non-applicants.

3. By the present application, the applicant/inmate who is lodged in jail, prayed for condonation of delay of 161 days caused while lodging the appeal against the order dated 16.05.2025 passed in Bail Application No. 41/2025 by the learned District Judge-1 and ASJ, Warud in

connection with Crime No.43/2024 registered with Police Station Shendurjanaghat for the offences punishable under Sections 376(D), 323 of the Indian Penal Code, Sections 3(1)(w)(i)(ii), 3(2)(v) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The contention of the applicant is that on 16.05.2025, the learned Additional Sessions Judge passed the impugned order however, he got knowledge about rejection of his bail application in the month of June-2025 and thereafter, he obtained legal advice and filed the present application.

5. Though the prosecution and non-applicant no. 2 had filed reply and resisted the application, however nothing has been brought on record to counter the submission that the present applicant got knowledge of passing of the order dated 16.05.2025 in the month of June-2025 and then he filed the present appeal. Hence, the submission made by the applicant appears to be bonafide and substantive.

6. Accordingly, the application is hereby allowed and delay of 161 days while lodging the appeal is hereby condoned.

7. The office to registered the appeal and place before this Court on 30.04.2026.

(Y. G. KHOBRAGADE, J.)