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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

37 CRIMINAL APPEAL NO. 667 OF 2025

SANJAY BHAGWAN NANGARE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Mr.S.V.Natu, Advocate for the appellant.
Mr.S.B.Jadhav, APP for the respondent/State.
Ms.Bharti Gunjal, Advocate for respondent No.2 (appointed).

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 13 OCTOBER, 2025

PER COURT :

1. Heard the learned Advocate for the appellant. The appellant is seeking regular bail in FIR No.451/2025 dated 15.05.2025 lodged at Shevgaon Police Station, Shevgaon for offences punishable u/s 333, 74, 76,, 64(1), 64(k) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(w)(i)(ii) and 3(2)(v)(a), 3(2)(v) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. According to the appellant, the report dated 15.05.2025 came to be registered at the behest of respondent No.2. In the said

report, it came to be stated that on 10.05.2025, at around 12.30 to 12.45 in the midnight, her sister who is physically retarded person shouted and therefore she went to her room wherein the appellant was seeing to be fleeing away from the spot. At that time, her sister/victim was weeping and disclosed her that the appellant had entered in the room and on the pretext of performing marriage, committed sexual intercourse with her. Therefore, she lodged the report.

3. The learned Advocate for the appellant states that the incident took place on 10.05.2025, however the report came to be lodged on 15.05.2025 when the Police Station is hardly at the distance of 50 meters away from the spot. The appellant came to be arrested on 27.05.2025 and since then he is behind bars. He further submits that the investigation in the crime is already over and as such no purpose would be served by keeping him inside the jail. Therefore, he is accordingly praying for grant of bail.

4. The learned APP has strongly opposed the instant appeal on the ground that the appellant is involved in heinous crime against the physically retarded woman and as such the applicant does not deserve

grant of regular bail. He submits that if the applicant is released on bail, he may threaten the prosecution witnesses.

5. The learned Advocate for respondent No.2 Ms.Gunjal also re-iterated the same submissions. She has pointed out the statement recorded u/s 164 of the Cr.P.C. by the learned J.M.F.C. and strongly opposed the grant of bail.

6. After perusing the material before this Court, it is quite evident that the offence which is of serious nature, came to be reported to the Police Station on 15.05.2025. The prosecution has not explained as to why the delay is caused in registering the said offence, even though the Police Station appears to be few meters away from the spot. In this crime, charge sheet is already filed after completing the investigation.

7. Apart from the appellant last seen at the spot of incident, there is no strong material in the charge sheet against him. The trial in the instant crime will take it's own time. However, during the pendency of the same, the accused cannot be kept behind bars.

8. In that view of the matter, regular bail is granted to the appellant, on certain terms and conditions, which read as under :-

ORDER

[a] The criminal appeal stands allowed.

[b] The impugned order dated 20.08.2025 passed in Special Case No.225/2025 by the Special Judge, Ahmednagar is hereby quashed and set aside.

[c] In connection with Crime bearing No.451/2025 registered on 15/05.2025 with Shevgaon Police Station, Tal.Shevgaon, Dist.Ahmednagar for the offences punishable u/s 333, 74, 76, 64(1), 64(k) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1) (w)(i)(ii), 3(2)(v-a), 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, the appellant shall be released on his furnishing PR bond of Rs.25,000/- (Rs.Twenty Five Thousand only) with one solvent surety in the like amount.

[d] The appellant shall attend the concerned police station as and when called by the Investigating Officer till completion of trial and shall also attend the dates as are fixed by the learned Trial Court.

[e] The appellant shall not try to contact or pressurize the witnesses

or the informant, in any manner whatsoever.

[f] The appellant shall not enter the territorial jurisdiction of Shevgaon Police Station till the conclusion of the trial.

[g] In case, the appellant violates any of the above conditions, the State as well as the Informant are at liberty to seek cancellation of his bail.

9. The fees payable to the learned Advocate appointed for respondent No.2 Ms.Bharti Gunjal, be quantified and paid by the High Court Legal Aid Sub Committee, Aurangabad, as per rules.

10. It is made clear that the observations made in this order are prima facie in nature for the purpose of adjudication of this appeal only.

(SUSHIL M. GHODESWAR, J.)