



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.927 OF 2023

Mashnaji S/o. Shankarrao Murke,
Age-45 years, Occu-Agri & Labour
R/o. Atkali at Present R/o. Alluwadgaon, ..APPELLANT
Tq. Naigaon, Dist. Nanded [Ori. Complainant]

VERSUS

1. The State of Maharashtra,
through the Police Inspector,
Police Station Naigaon,
Tq. & Dist. Nanded
2. Hanmant Madhavrao Tambadwad,
Age-29 years, Occu-Tractor Driver,
R/o. Marwali, Tq. Naigaon, Dist. Nanded
3. Sandip Anteshwar Ingole,
Age-34 years, Occu-Agri,
R/o. Alluwadgaon, TQ. Naigaon, ..RESPONDENTS
Dist. Nanded [Resp No.2 and 3 are Ori. accused]

Mr. Ranjit D. Gaikwad, Advocate h/f Mr. D. J. Choudhari, Advocate
for the Appellant

Mr. V. M. Chate, APP for the Respondent/State

Mr. G. R. Syed, Advocate for the Respondent Nos. 2 and 3

CORAM : ABHAY J. MANTRI, J.

DATE : 20th APRIL, 2026

JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and
heard the Appeal finally with the consent of the parties, at the stage
of admission.

2. The Appellant/original Complainant, challenging the order dated 14th August, 2023 passed below Exhibit 1 by the learned Additional Sessions Judge, Biloli in Criminal Bail Application No. 161 of 2023, thereby granted bail to Respondent Nos. 2 and 3, has preferred this appeal for cancellation of bail.

3. Heard the learned Advocate for the parties and perused the record.

4. The thrust of the argument of the learned Advocate for the Appellant is only that nature of the offence is serious and the learned Additional Sessions Judge, Biloli without considering the nature of the offence and before filing the charge-sheet has granted the bail vide order below Exh.1 in Criminal Bail Application No.161/2023 dated 14-08-2023 and therefore, passing of the order by the learned Additional Sessions Judge is illegal. Therefore, he has challenged the said order in this Appeal.

5. Learned Advocate for the Respondent Nos. 2 and 3 vehemently contended that after hearing the Appellant and considering the material placed before the learned Additional Sessions Judge, the learned Additional Sessions Judge has passed the order and therefore, no interference is required in this Appeal. Hence, he urged for the dismissal of the Appeal.

6. Learned APP submitted that the charge sheet has been filed and the matter is pending before the Additional Sessions Judge for hearing on framing of the charge. As such, he has submitted to the order of the Court.

7. On perusal of the impugned order, it appears that the learned Additional Sessions Judge had issued notice to the informant and, pursuant to the said notice, the Appellant appeared before the court and filed his detailed affidavit and resisted the bail application. It also appears that after giving an opportunity and considering the material on record, the learned Additional Sessions Judge has passed the order. Mere non-filing of the charge-sheet is not a ground to challenge the bail order. Thus, it cannot be said that the passing of the order by the learned Additional Sessions Judge is illegal. Therefore, I find no merit in the Appeal to warrant interference in the Appeal.

8. In view of the above, the Appeal being bereft of merit stands dismissed. The rule is discharged. No order as to costs.

[ABHAY J. MANTRI, J.]