



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 70 OF 2026

Amol Ramesh Jadhav ..APPELLANT

VERSUS

State of Maharashtra and Another ..RESPONDENTS

AND CRIMINAL APPEAL NO. 945 OF 2025

Vinay @ Vinayak Gajanan Karnerwar ..APPELLANT

VERSUS

State of Maharashtra and Another ..RESPONDENTS

AND CRIMINAL APPEAL NO. 876 OF 2025

1. Anand Haribhau Mane
2. Akash Deepak Waghmare
3. Pruthwiraj Shriram Tarpe
4. Sahil Sanjiv Bhavare ..APPELLANTS

VERSUS

State of Maharashtra and Another ..RESPONDENTS

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Mr. Mohit Deshmukh a/w Mr. Tathagat Kamble, Advocates h/f Mr. P.P. Giri
and Ms. S.V. Dound, Advocates for appellants.

Mr. V.M. Chate, A.P.P. for respondent no.1 – State

Ms. Aarti Ghadge, Advocate for respondent no.2

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CORAM : ABHAY J. MANTRI, J.

DATE : 17th APRIL, 2026

PER COURT :

. The Appellants / Accused have filed these Appeals for the grant of
pre-arrest bail in connection with Crime No. 287 of 2025 registered with

Kinwat Police Station, Dist. Nanded for the offences punishable under Sections 190, 351(2), 191(2), 189(2), 115(2), 126(2), 117(2) of Bharatiya Nyaya Sanhita (hereinafter referred to as '*B.N.S.*') and under Sections 3(1)(r), 3(1)(s), 3(1)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as '*SC & ST Act*').

2. Heard learned counsel for the Appellants, learned A.P.P. for State, and learned counsel for Respondent No.2. Perused the Appeal Memos and record.

3. It appears that on 04th October 2025, at about 11:00 p.m., when the Informant Vikas, with his friend, Abhay, were proceeding on his motorcycle towards the petrol pump at Gokunda, on the way, all the Appellants stopped the motorcycle and abused the Informant with a caste slur. They also beat them with kicks and fist blows and knocked out three upper teeth and two lower teeth of the informant, and therefore, he has lodged the report against the Appellants. Based on the said report, the offence came to be registered.

4. Learned counsel for the Appellants vehemently contended that except for Appellants Vinayak and Pruthwiraj, all the accused persons belong to the Scheduled Caste and accordingly, he drew my attention to the relevant documents as well as the caste certificates of them. Similarly, Accused No.5 –

Pruthwiraj belongs to the Scheduled Tribe category. As such, he submitted that in view of Section 3 of the SC & ST Act, no offence has been made out against Accused Nos. 1 and 3 to 6 under the provisions of the SC & ST Act.

5. He further argued that no specific allegations appear against Accused no. 2- Vinay @ Vinayak regarding committal of offence under the provisions of SC & ST Act or B.N.S.

6. Then, he has taken me through the treatment details paper (page 61) given to the injured Vikas on 05th October, 2025, i.e. immediately after the occurrence of the incident, wherein he gave the history of assault to the Doctor as “*unknown persons assaulted him at 11:00 p.m. on 04th October, 2025, at Kinwat.*” And submitted that he has not made any specific allegations against any of the accused persons, nor did he make any allegations against them specifically. He also pointed out the Injury Certificate (Pg.No.71). He submitted that no injury to the teeth was shown in the Certificate, but the injuries mentioned in the Medico-Legal Certificate are of a simple nature. The Informant sustained the said injuries to the upper lip and cheek, and no injury was sustained to the Informant's teeth. Therefore, he submitted that no offence is made out under Section 117(2) of the B.N.S. Lastly, he submitted that the investigation has been completed and the police have filed a charge-sheet against all the accused in the Court; therefore, no

custody of the Appellants is required in the present crime. Hence, he prayed for the grant of pre-arrest bail to the Appellants.

7. *Per contra*, learned A.P.P. as well as learned counsel for Respondent No.2 / Informant strenuously opposed the appeals contending that the Appellants with common intention committed crime and assaulted the victim and his friend, Abhay, and thereby caused grievous injuries to them, so also allegations against the Appellants are of serious nature, and therefore, submitted that though the charge-sheet has been filed, the Appellants are not entitled for pre-arrest bail and urged for rejection of the Appeals.

8. Having considered the rival contentions of the parties and gone through the record, at the outset, it appears that all the Accused persons, except Accused Vinayak @ Vinay and Pruthwiraj, belong to the Scheduled Caste. Similarly, Accused No.5 – Pruthwiraj belongs to the Scheduled Tribe category. Thus, prima facie, I found substance in the contention of learned counsel for the Appellants that the provisions of the SC & ST Act are not attracted against Accused Nos. 1 and 3 to 6. Similarly, no specific allegations appear against Accused No.2 Vinayak that he has abused the Informant with a caste slur or did any act or assault on him. The allegations made against Vinayak are vague. No specific averment has been made against him of causing assault or abusing the informant/victim.

9. Though the informant in the F.I.R. alleged that his three upper teeth and two lower teeth fell out, nothing has been produced on record to demonstrate that five teeth had fallen. On the contrary, the medical treatment paper and the Medico-Legal Certificate, prima facie, indicate that the victim/injured had sustained simple injuries to his upper lip and cheek only. The nature of the injuries was simple. The above facts themselves show that nothing has been brought on record by the prosecution to indicate that the injured had sustained grievous injuries, and therefore, prima facie, it is apparent that the provisions of Section 117(2) of the B.N.S. do not apply. No medical certificate regarding the friend of the informant/Vikas, i.e., Abhay, has been produced on record to show that he has sustained any injury.

10. It is worth noting that the investigation has been completed and the police have filed a charge sheet in the Court. Nothing remains to be recovered from the Appellants; accordingly, in my view, custodial interrogation of the Appellants is not required in the present case. In light of the above discussion, the Appellants are entitled to be released on bail.

(11) Consequently, **All Appeals are allowed as prayed.**

(12) In the event of arrest of the Appellants/Accused, in connection with Crime No. 287 of 2025 registered with Kinwat Police Station, Dist. Nanded for the offences punishable under Sections 190, 351(2), 191(2),

189(2), 115(2), 126(2), 117(2) of Bharatiya Nyaya Sanhita and under Sections 3(1)(r), 3(1)(s), 3(1)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, they be released on bail on furnishing P.B. & S.B. of Rs.50,000/- (Rupees Fifty Thousand) each on the following conditions:-

- (i) The Appellants shall not tamper with the prosecution evidence in any manner till the conclusion of the Trial.
- (ii) The Appellants shall not leave India without prior permission of the Court till the conclusion of the Trial.

(13) Needless to clarify, Ms. Aarti Ghadge, learned counsel, was appointed through Legal Aid to represent Respondent No.2. As such, her fees will be quantified by the High Court Legal Services Sub-Committee, Aurangabad, as per the rules.

(ABHAY J. MANTRI, J.)

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