



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 192 OF 2024

Lalit Satyanarayan Sharma

... Appellant

VERSUS

The State Of Maharashtra
And Another

... Respondent

.....
Mr. Santosh C. Bhosle, Advocate for Appellant
Mr. A.A. Khan, APP for Respondents – State
Ms. Sonali G. Somwanshi, Advocate (appointed) Respondent No.2
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd APRIL, 2024

ORDER :

1. By this appeal filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellant challenges order dated 10.11.2023, passed by learned Additional Sessions Judge-1, Nanded, below Exhibit-6 in Special Case No.84/2023, thereby rejecting bail application filed by appellant.

2. It is the case of prosecution that, Police Patil-Prakash Kalji Ghorpade lodged FIR on 15.04.2023 that in the morning, at about 9.30 a.m., he received a call from Shubham Satish More that dead body of unknown person is lying in his

agricultural land in Wahegaon Shiwar. He went and confirmed the said fact and lodged FIR, which is registered at Crime No.267 of 2023 with Nanded Rural Police Station, District-Nanded for offences punishable under sections 302 of the Indian Penal Code. During investigation, appellant was arrested on 19.04.2023 and co-accused Kapil Panditrao Telke was arrested on 28.04.2023. According to prosecution, both accused have committed murder of deceased on account of previous quarrel. Stone allegedly used in commission of crime, cellphone of deceased and clothes worn by appellant at the time of commission of offence are recovered at the instance of appellant. On completion of investigation, charge-sheet is filed on 30.06.2023 and the case is numbered as Special Case No.84/2023. Appellant preferred application Exhibit-6 for regular bail, which is rejected by the trial Court. Hence, the present appeal.

3. Heard learned advocate for appellant, learned APP for respondent No.1 – State and learned advocate for respondent No.2 – informant. Perused the charge-sheet

4. Prosecution case is based on circumstantial evidence and the chain of circumstances, *prima facie*, appears to be incomplete. Co-accused who has actively participated in

alleged commission of murder is granted bail by this Court in criminal bail application no.896/2023 by order dated 20.12.2023. Therefore, on the ground of parity, appellant is entitled for bail.

5. Learned APP and learned advocate for respondent no.2 strenuously opposed the bail application contending that there is sufficient evidence on record to show that appellant and co-accused have committed the murder. He submits following offences are registered against appellant at Nanded Rural Police Station.

(i) Crime No.733/2022 for offences punishable under sections 294, 323, 506, 427 read with section 34 of the Indian Penal Code, (ii) Crime No.75/2019 for offences punishable under sections 307, 323, 504 read with section 34 of the Indian Penal Code. (in these crimes co-accused who is released by this Court was also accused), (iii) Crime No.758/2020 for offences punishable under section 3/25 of the Arms Act and (iv) Crime No.284/2018 for offence punishable under section 324 of the Indian Penal Court. Other nine offences are registered under Maharashtra Prohibition of Gambling Act.

7. Proceedings of five offences under section 12 of Maharashtra Prohibition of Gambling Act, are stopped by the trial Court under section 258 of the Code of Criminal Procedure Code. In the offences registered against appellant under the Indian Penal Code, he is released on bail. The trial is not likely to conclude in near future. Considering all these aspects, appellant need not be detained in jail for indefinite period. Hence, the following order.

ORDER

- (I) Appeal is allowed.
- (II) Impugned order order dated 10.11.2023, passed by learned Additional Sessions Judge-1, Nanded, below Exhibit-6 in Special Case No.84/2023, is hereby quashed and set aside.
- (III) Appellant Lalit Satyanarayan Sharma be released on bail in connection with Crime No.267 of 2023, registered with Nanded Rural Police Station, District-Nanded for offences punishable under sections 302, 364 read with section 34 of the Indian Penal Code and under section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on furnishing P.B. and S.B. of Rs. 25,000/- with one surety in the like amount.

- (IV) Appellant shall not enter the village Wahegaon, Taluka and District Nanded, until further orders.
- (V) Appellant shall not tamper the prosecution evidence.
- (VI) High Court Legal Aid Services Sub Committee, Aurangabad to pay the fees of learned advocate Ms. Sonali Somwanshi representing respondent No.2, as per schedule, within four weeks from today.

[NITIN B. SURYAWANSHI]
JUDGE