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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.255 OF 2024

Adil Mehraj Khadri

APPELLANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mr. Pankaj A. Bharat h/f Mr. U. L. Momale, Advocate for appellant
Mr. S. B. Jadhav, APP for respondent - State
Mr. Deepak B. Sadaphule, Advocate for respondent No.2
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd JULY, 2024

ORDER :

1. Appellant, along with three others, is accused in Crime No. 591 of 2023 registered with Udgir Rural Police Station, District - Latur for offence punishable under section 302 read with 34 of the Indian Penal Code and under section 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. FIR is lodged by Ramesh Chandar Kamble, alleging that on 25th September, 2023, at 11.30 in the morning, when he was at his home, all the four accused came there and enquired about his brother and they took his brother Suresh with them, as they suspected that mobile phone of Wahab was stolen by Suresh. All

the accused persons assaulted Suresh on that count and he expired due to the said assault. Regular bail application filed by appellant is rejected by the Trial Court, hence the present appeal.

3. Heard learned advocate for appellant, learned APP for the State and learned advocate for informant – respondent No.2. Perused the record.

4. Learned advocate for informant submits that offence alleged against appellant is serious and brother of informant is brutally killed by all the accused persons. Appellant resides in the same locality, where the informant is residing and, therefore, there is every possibility that appellant will tamper prosecution evidence.

5. Perusal of charge sheet shows that except last seen together, there is no material against present appellant. Even the eyewitnesses do not attribute assault by appellant on the deceased.

6. Appellant is arrested on 26th September, 2023 and charge sheet is filed on 23rd November, 2023. Since investigation is complete and taking into consideration the material against present appellant, his further custodial detention is not necessary. Appellant is permanent resident of Udgir and he has

deep roots in the society and will not abscond if released on bail.

7. One of the co-accused, namely Mahesh Nagnath Murge, in the said crime, is released on regular bail by this Court by order dated 29th January, 2024 passed in Criminal Appeal No. 1181 of 2023. On the ground of parity also, the appellant is entitled for bail.

8. In the result, following order:

ORDER

- A. Criminal Appeal is allowed.
- B. Impugned order dated 31st January, 2024 passed by learned Additional Sessions Judge, Udgir below Exhibit-15 in Special Case (Atrocity) No. 65 of 2023 is hereby quashed and set aside.
- C. Appellant Adil Mehraj Khadri be released on bail in connection with Crime No. 591 of 2023 registered with Udgir Rural Police Station, on furnishing Personal Bond and Surety Bond of Rs.15,000/- with one surety in the like amount.
- D. Appellant shall not contact prosecution witnesses and shall not tamper prosecution evidence.

**[NITIN B. SURYAWANSHI]
JUDGE**