



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 CRIMINAL APPEAL NO. 50 OF 2025

RATAN DHONDIBA KALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. More Abhijit S.
APP for Respondent No. 1 : Mr. R.B. Dhaware
...

CORAM : KISHORE C. SANT, J.

DATE : 11.06.2025

PER COURT :

1. Heard learned Advocate for the applicant and the learned APP.
2. The present appellant is an accused in the FIR registered with Police Station Tuljapur bearing No. 354 of 2024 dated 07.08.2024. The offence was initially registered for the offence punishable under Section 105 of Bhartiya Nyaya Sanhita, 2023 (for short 'BNS'). However, subsequently Section 103 (1) of BNS, came to be added. The offence is also registered under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant approached the Special Court seeking regular bail. However,

the same came to be rejected. The appeal is, therefore, filed before this Court. It is the case that the body of one Shahaji Mhaske was found lying near a sand dune in injured condition. He was heavily drunk. A complaint was, therefore, filed by one Satish Sapkal, giving the statement that the deceased and the present appellant sat on his motor cycle. He dropped them near spot. On that basis, the present appellant was arrested.

3. Learned Advocate for the appellant vehemently argued that there is no direct evidence connecting that the appellant the incident. Initially offence was registered for culpable homicide, not amounting to murder. The appellant is shown as accused solely on the basis of statement of Satish Sapkal. There is some transcription of vedio call recording, however, that cannot be believed at this stage. There is nothing to show that the appellant had any intention to commit a murder. So far as injuries on the person of deceased are concerned, he submits that the injuries are not on the vital part. The injuries are not serious. No weapon is used. As such, at the most it cannot be said that there was quarrel between these two persons in which the deceased received the injuries. As per the medical opinion, the injuries are possible even by falling on the road. The applicant is in custody from

13.08.2024. He thus submits that no case is made out to keep the appellant in jail for such a long period. He prays for release of the appellant on bail.

4. Learned APP vehemently opposes the applicant. He invited my attention to the transcription recorded of the video call between Satish Sapkal and the appellant. The conversation of the said video call clearly shows that it is this appellant who assaulted the deceased brutally. He submits that the statement of Satish was recorded. There is nothing to disbelieve his version. There is sufficient evidence to show involvement of the appellant.

5. This Court has gone through the statements of Satish Sapkal, the injury certificate and PM report. The PM report shows that six injuries were found on the body of deceased. The same cannot be said to be injuries caused merely because of the accidental fall. The conversation between the appellant and Satish Sapkal shows the involvement of the appellant, *prima facie*. The trial Judge has observed all the above things and has rejected the bail application. This Court does not find any perversity or illegality in the order passed by the trial Court. No ground is made to quash the impugned order.

6. Considering the above, this Court is not inclined to allow the appeal. Appeal, therefore, stands dismissed. Trial Court to expedite the trial. Needless to say that the observations are only for the purpose of deciding this appeal. The trial Court shall not be influenced by these observations.

(KISHORE C. SANT, J.)

spc/-