



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

923 CRIMINAL APPEAL NO. 251 OF 2025

Shaikh Athar Shaikh Usman,
Age : 29 years, Occupation: Labour,
R/o.: near Railway Station,
Summayya Kirana Shop, Parbhani,
Tq. & Dist. Parbhani.

... Appellant

Versus

1. The State of Maharashtra,
through Police Inspector,
New Mondha Police Station,
Parbhani, Tq. & Dist. Parbhani.

2. Sunil Bajirao Kandare,
Age : 32 years, Occupation: Labour,
R/o. Anand Nagar, Near Railway Station,
Tq. & Dist.: Parbhani.

... Respondents

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Mr. Sanket Kulkarni a/w. Mr. Singh Amitabh Ram Lakshan and Ashish
R. Kachole, Advocate for the Appellant.

Mr. C. V. Bhadane, APP for Respondent No.1-State.

Ms. Pallavi Wangikar, Advocate for Respondent No.2.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 4th NOVEMBER, 2025

P.C.:-

1. Heard learned Advocate for the Appellant, learned APP for
Respondent No.1-State and learned Advocate for Respondent No.2.

2. The Appellant is seeking bail as he was arrested in
connection with FIR No.0533 dated 6th November 2024, registered
with New Mondha Police Station, District Parbhani, for the offences

punishable under Section 301(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 and Sections 3(1)(R) and 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. On 6th November 2024, the Informant–Sunil Bajirao Khandare lodged a report stating that on the same day, at around 3:00 p.m., his father, deceased–Bajirao Khandare, had received a phone call from an unknown person. Thereafter, the Informant was informed over the phone that his father was lying dead near the railway yard. Accordingly, the Informant proceeded to the said spot and found that his father had sustained injuries on his chest and abdomen inflicted with a sharp-edged weapon. On the basis of the said report, a crime came to be registered and investigation was set into motion. During the course of investigation, the Investigating Officer conducted a spot panchanama and since a cover of a weapon was found at the spot, the same was seized. The dead body was sent for post-mortem examination, which revealed 9 to 10 injuries on the person of the deceased. The Appellant was arrested on 10th November 2024 and pursuant to his disclosure statement, the knife used in the crime came to be recovered. Statements of witnesses were recorded and upon completion of the investigation, charge-sheet came to be filed.

4. Mr. Sanket Kulkarni, learned Advocate for the Appellant

submits that there is no direct evidence available against the Appellant in the present crime. The Appellant has been languishing in jail since 10th November 2024 and there appears to be no likelihood of the trial concluding in the near future. It is, therefore, submitted that the Appellant cannot be kept behind bars till the conclusion of the trial. The learned Advocate further submits that the material collected during the course of investigation does not *prima-facie* indicate the involvement of the Appellant in the alleged offence. Hence, he prays that the appeal be allowed and the Appellant be released on bail.

5. Per contra, Mr. C. V. Bhadane, learned APP submits that the Appellant was found to have called the deceased immediately prior to the incident. It is further submitted that the knife recovered at the instance of the Appellant was found to have been used in the commission of the crime, as the cover of the knife seized from the spot matches with the said weapon. The learned APP also points out that the statements of witnesses clearly connect the Appellant with the commission of the offence. It is, therefore, contended that the Appellant alone is responsible for the brutal killing of the deceased and accordingly, the learned APP strongly opposes the appeal.

6. I have also heard Ms. Pallavi Wangikar, learned Advocate for Respondent No.2. She has adopted the submissions advanced by Mr.

Bhadane, learned APP. According to her, the Appellant is involved in a serious offence and, therefore, is not entitled to be released on bail. She submits that the deceased had sustained multiple stab wounds and injuries, which clearly indicate that he was assaulted mercilessly by the Appellant. She further contends that the Call Detail Records (CDR) obtained by the police establish a link between the Appellant and the commission of the crime. It is further submitted that, if the Appellant released on bail, he may threaten prosecution witnesses and tamper with the trial. Hence, she strongly opposes the appeal.

7. Admittedly, there is no direct evidence available against the Appellant in the present crime. The charge-sheet has already been filed on 30th January 2025. Since the investigation is complete, further custodial interrogation of the Appellant is not required. Though the Appellant is charged with a serious offence punishable under Section 302 of the Indian Penal Code, he cannot be kept behind bars for an indefinite period till the conclusion of the trial. The trial before the Sessions Court is likely to take considerable time to commence and conclude. In view thereof, I am inclined to grant regular bail to the Appellant, subject to strict conditions.

8. In view of the above, the appeal is allowed in the following terms :-

- a] The Appellant shall be released on bail in connection with FIR No.0533 dated 6th November 2024, registered with New Mondha Police Station, District Parbhani, on furnishing PR bond of Rs.25,000/- with one surety in the like amount to the satisfaction of the trial Court.
- b] The Appellant shall not enter the jurisdiction of the city limits during pendency of the trial. The Appellant is allowed to enter into the city limits only on the dates of trial.
- c] The Appellant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.
- d] The Appellant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.
- e] The Appellant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.
- f] The Appellant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

9. Needless to say, in case of violation of any of the aforesaid

conditions, the bail granted to the Appellant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present appeal. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The appeal stands disposed of.

11. By order dated 22nd July 2025, passed by this Court, learned Advocate Ms. Pallavi Wangikar was appointed by this Court to represent the Respondent No.2 in this matter. However, her fees remained to be quantified. Thus the fees of Ms. Pallavi Wangikar, learned Advocate appointed for Respondent No.2 in this matter be paid through the High Court Legal Services Sub-committee, Aurangabad as per rules.

(SUSHIL M. GHODESWAR, J.)