



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

CRIMINAL APPEAL NO. 509 OF 2025

KHALIL NIZAMUDDIN THANEDAR

VERSUS

**THE STATE OF MAHARASHTRA AND
RESHMA TANAJI SONKAMBLE**

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Shri S.B. Bhapkar, Advocate a/w Shri D.S. Bhapkar, Advocate
for the Appellant.

Shri G.O. Wattamwar, APP for Respondent No.1/ State.

Shri Ubaid S. Hashmi, Advocate for Respondent No.2
(appointed).

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 18 September, 2025

Per Court :-

1. By this appeal for regular bail, the appellant is praying for quashing and setting aside the order dated 25.06.2025 passed by the learned Special Judge/ Additional Sessions Judge, Latur, on application below Exhibit-5 in Special Case No.60/2025, by which, the said application for regular bail is rejected.

2. The above bail application was preferred in Crime bearing FIR No.148/2025 registered on 08.03.2025 with Vivekanand Chowk Police Station, Latur for the offences punishable under Sections 103(1), 115(2), 353, 3(5) of the Bharatiya Nyay Sanhita, 2023 and Sections 3(2) and 3(V) of the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Atrocities Act'). The FIR came to be lodged at the behest of respondent No.2/ informant (Reshma Tanaji Sonkamble).

3. The informant lodged the report stating that she is wife of the deceased Tanaji Baburao Sonkamble. He used to do the work of centring. Along with them, her nephew Ajay Ramdas Gaikwad was also residing and doing centring work. Her husband Tanaji was doing centring work at Latur and Udgir with one contractor, namely, Mehraj Patel (accused No.1), who knew that the informant belongs to the Scheduled Caste category. Since Mehraj Patel was not paying the amount, Tanaji stopped working with him. Therefore, on 04.03.2025 at about 10:00 in morning, Mehraj Patel came to the house of informant and he started quarreling and abusing on the ground as to why Tanaji is not working with him. At that time, Tanaji told that he is ready to work with him provided the money is released timely. Thereafter, Mehraj Patel left the house threatening them. On the next day i.e. 05.03.2025 at about 10:00 am in morning, her husband Tanaji and nephew Ajay left house informing the informant that since Mehraj Patel is ready to pay money of work, they are going for doing work as assigned by Mehraj Patel at Latur. Thereafter, in

evening at about 04:30 pm, her husband came home limping and upon enquiry, he told that Mehraj Patel had assaulted him with wooden stick on his hands, legs, chest and back. He also assaulted Ajay, however, Ajay fled away from spot. He also threatened him to commit his murder. Thereafter, her husband took rest at home. On the next day i.e. 06.03.2025 in early morning, he started feeling uncomfortable. Therefore, at about 08:00 am, he was admitted in Government Hospital at Udgir. Doctor who examined him, informed that her husband is in serious condition and asked to take him to Latur for further treatment. Accordingly, he was taken in ambulance to Civil Hospital at Latur where, he was admitted in ICU. However, at about 04:30 pm on 07.03.2025, her husband Tanaji expired. Therefore, on 08.03.2025 at 19:18 hours, the report came to be lodged that on 08.03.2025 her nephew Ajay disclosed that on 05.03.2025 when Tanaji and Ajay went to Latur for doing the work assigned by Mehraj Patel, the accused persons came there and assaulted them by fist and kick blows on account why they were doing work of some other else. It is alleged that the appellant Khalil slapped Tanaji and Mehraj Patel asked the accused Gaus to bring wooden stick and accordingly, he brought the same. Mehraj Patel is alleged to have assaulted Tanaji by wooden stick. However, Ajay fled away from the spot.

Therefore, the informant lodged FIR against accused persons and Crime No.148/2025 came to be registered on 08.03.2025.

4. After registration of the FIR, investigation was set into motion. Inquest panchanama was drawn and the body was referred to post-mortem examination. On 08.03.2025, post-mortem was conducted and it was noticed that there are as many as 13 injuries and the opinion as to the cause of death is stated as *“Evidence of multiple contusions over body in a clinical case of Hepatic encephalopathy with AKI with DIC with history of physical assault, however viscera, tissues and other samples preserved for further examination.”* On 09.03.2025, the Police have drawn crime details form wherein, spot panchanama of the place shown by Ajay, was conducted. The spot if incident is under-construction house belonging to Mazhar Usman Shaikh located at Maharana Pratap Nagar. The Police have also obtained CCTV footage of the spot, which came to be stored in pendrive and the certificate u/s 63(4)(c) is also procured. The Police have also recorded the statement of sole eyewitness Ajay on 08.03.2025. Accused were arrested on 09.03.2025. After completing investigation, the Police have filed charge-sheet and now, the case is registered as Special Case No.60/2025.

5. The appellant (Khalil) along with accused No.3 (Gaus Isa Shaikh) filed the application Exhibit-5 in Special Case No.60/2025 for regular bail, which came to be rejected by the impugned order dated 25.06.2025. Hence, the appellant has approached this Court by way of instant appeal.

6. Learned advocate for the appellant submitted that the appellant is not alleged to have committed aggravated role of assaulting the deceased by using stick. The provisions of the Atrocities Act are not attracted against the appellant. The appellant is arrested on 09.03.2025 and since then he is behind bars. The charge-sheet is already filed and no purpose would be served by keeping him behind bars. The sessions trial will take too much time to commence and conclude. Until and unless the accused are convicted, they have to be treated as innocents. There is delay of three days in lodging FIR, which is not explained by the prosecution. Since custody of the appellant is not required, he be released on bail on any condition as this Court may deem fit and proper.

7. *Per contra*, learned APP as well as learned advocate for respondent No.2/ informant strongly opposed the grant of bail to the appellant. According to them, the appellant is involved in serious crime and if he is released on bail, he may threaten

prosecution witnesses. The appellant along with other accused have brutally assaulted the deceased, which caused his death. No leniency should be shown to the appellant while considering instant appeal. If the appellant is released on bail, he may not be made himself available for trial. Thus, both prayed for rejection of the appeal.

8. With assistance of learned advocates for respective parties, I have gone through the material available on record as well as the charge-sheet made available by learned APP to me. *Prima facie*, the record shows that the allegations of assaulting the deceased are against accused No.1 Mehraj Patel. The allegation against the appellant as per the statement of sole eyewitness Ajay is of slapping the deceased and Ajay. As such, no aggravated role of assaulting the deceased and Ajay has been pointed out by Ajay in his statement. Investigation in crime is already over and thus, custody of the appellant is not required. Since the appellant has made out *prima facie* case for grant of regular bail, I am inclined to pass the following order:-

ORDER

- a) The Criminal Appeal stands allowed and the impugned order dated 25.06.2025 is quashed and set aside.
- b) In connection with Crime bearing FIR No.148/2025

registered on 08.03.2025 with Vivekanand Chowk Police Station, Latur for the offences punishable under Sections 103(1), 115(2), 353, 3(5) of the Bharatiya Nyay Sanhita, 2023 and Sections 3(2) and 3(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant shall be released on bail on his furnishing PR bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] with one solvent surety/ security in the like amount.

c) The appellant shall attend the concerned police station as and when called by the Investigating Officer and shall also attend the sessions trial on the dates as may be fixed by the concerned Sessions Court.

d) The appellant shall not try to contact or pressurize the witnesses or the informant, in any manner whatsoever.

e) Any breach of aforesaid condition, shall entitle the prosecution and informant to approach this court for cancellation of bail.

9. Since learned advocate for respondent No.2 is appointed through legal aid, his fees shall be calculated and paid to him as per rules by the High Court Legal Aid Services Sub-Committee.

10. However, it is made clear that the observations made in this order are *prima facie* in nature for the purpose of adjudication of this appeal.

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(SUSHIL M. GHODESWAR, J.)