



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

CRIMINAL APPEAL NO. 587 OF 2025

AZAD MAINUDDIN SHAIKH

AND

FAIJODDIN DILSHAD KHATIB

VERSUS

THE STATE OF MAHARASHTRA AND

KRUSHNA SANJAY GOTALE

...

Shri Satej S. Jadhav and Shri Rohit P. Patwardhan, Advocates for the Appellants.

Shri D.B. Bhange, APP for Respondent No.1/ State.

Ms. Devyani S. Sonawane, Advocate for Respondent No.2 (appointed).

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CORAM : SUSHIL M. GHODESWAR, J.

Reserved on : 19 September, 2025

Pronounced on : 23 September, 2025

ORDER :-

1. By this appeal, the appellants are praying for quashing and setting aside the order dated 18.07.2025 passed by the learned Special Judge/ Additional Sessions Judge, Latur, on application below Exhibit-6 in Special Case No.69/2025, by which, the said application for regular bail is rejected.

2. The above bail application was preferred in Crime bearing FIR No.43/2025 registered on 20.03.2025 with Gategaon Police Station, District Latur for the offences punishable under

Sections 105, 125, 353, 3(5) of the Bharatiya Nyay Sanhita, 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) 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 (Krushna Sanjay Gotale).

3. On 20.01.2025, respondent No.2/informant lodged the report stating therein that while he was working on brick kiln of one Suresh Pandhare at Murud Akola, he was having love relationship with one Asma Ramjan Shaikh. Asma was married to one Ramjan Shaikh. When Ramjan Shaikh came to know about such relationship, one Amar Shaikh called the informant to the office of Suresh Pandhare. When the informant reached at office at about 09:00 pm in evening on 15.03.2025, Ramjan Shaikh was present there and he had abused and threatened him. At that time, the appellants and Amar Shaikh were also present there. Suresh Pandhare gave understanding to them and asked them to not quarrel there. Thereafter, the informant along with his elder brother Anand Sanjay Gotale left on their motorcycle to their home. On way, when they reached at Murud Akola Square, the appellants were waiting there and they started following them. At around 10:30 pm in evening, appellant No.1 (Azad Shaikh) threw stone towards motorcycle of the informant, due to

which they fell down from motorcycle and got injured. His elder brother Anand became unconscious. At that time, the appellants came there and due to fear, the informant fled away from the spot. However, appellant No.1 (Azad) abused the informant by referring to his caste. The informant called brick kiln owner Suresh Pandhare and informed him about incident. Thereafter, within 15 to 25 minutes, parents of the informant and Suresh Pandhare reached at the spot and they took them to the Government Hospital. However, on 20.03.2025 at about 07:45 in morning, his brother Anand expired. Accordingly, the informant lodged FIR against accused persons on 20.03.2025.

4. The appellants were arrested on 21.03.2025 and since then they are behind bars. After completing investigation, the Police have filed charge-sheet and now, the case is registered as Special Case No.69/2025.

5. According to learned advocate for the appellants, the role attributed to the appellants is at the most of throwing stone towards motorcycle of the informant. The said stone had struck to motorcycle, due to which, the informant and his brother lost balance and fell down on ground. In the said accident, Anand got injured and after five days, he succumbed to injuries in hospital. Thus, no specific act of committing murder can be attributed to

the appellants, much less the offence of causing death by negligence. Learned advocate further submitted that since investigation is already completed and the charge-sheet is already filed, therefore, no purpose would be served by keeping the appellants 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 in lodging FIR, which is not explained by the prosecution. Since custody of the appellants is not required, they be released on bail on any condition as this Court may deem fit and proper.

6. *Per contra*, learned APP as well as learned advocate for respondent No.2/ informant strongly opposed the grant of bail to the appellants and submitted that since the appellants were following the deceased and informant and they threw stone towards their motorcycle, they met with an accident, due to which, Anand expired. The appellants are involved in serious crime and if they are released on bail, they may threaten prosecution witnesses. Due to their act, life of one innocent person is lost. Therefore, they prayed for rejection of the appeal.

7. After considering submissions of learned advocates for the parties and after going through the material available on record as well as the charge-sheet made available by learned APP

to me, it is clear that death is caused due to injuries suffered by the deceased in an accident. The allegation is that the accident took place due to act of the appellants of following the informant and deceased and throwing stone towards their motorcycle. Admittedly, the said stone which struck the motorcycle of deceased has not been seized from spot. The appellants are behind bars since 21.03.2025. Investigation is completed and the charge-sheet is filed. Therefore, custody of the appellants is not required. In this backdrop, the appellants have made out *prima facie* case for grant of regular bail. Hence, I pass the following order:-

ORDER

- a) The Criminal Appeal stands allowed and the impugned order dated 18.07.2025 is quashed and set aside.
- b) In connection with Crime bearing FIR No.43/2025 registered on 20.03.2025 with Gategaon Police Station, District Latur for the offences punishable under Sections 105, 125, 353, 3(5) of the Bharatiya Nyay Sanhita, 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellants shall be released on bail on their furnishing PR bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] each with one solvent

surety/ security in the like amount.

c) The appellants 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 appellants 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.

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

9. 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.