



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.612 OF 2025

ARSHAD @ AARSHOD KAMRUDDIN SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Shri Nilesh S. Ghanekar, Advocate for the appellant.
Shri G.O. Wattamwar, APP for respondent No.1/State.
Shri S.B. Solanke, Advocate for respondent No.2.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 03 October, 2025

P. C. :-

1. By this appeal, the appellant is praying for grant of regular bail in Crime bearing FIR No.118/2025 registered on 13.03.2025 with Ashti Police Station, District Beed for the offences punishable under Sections 103(1), 119(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(2)(va), 3(2) and 3(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Atrocities Act').

2. On 13.03.2025, the said FIR came to be lodged by respondent No.2/ informant stating therein that on 10.03.2025 at

about 08:00 pm in evening, the informant's mother made phone call to him and told that at about 05:00 pm, his father Ransingh (deceased) along with Sameer Akbar Shaikh had gone on motorcycle to the Bank to withdraw money, however, he has not yet returned home. At about 08:30 pm in evening, the informant's maternal uncle (Mahadev Bhausahab Bhosale) told him on mobile that his father and Sameer Akbar Shaikh had come to his home and took dinner and left to their village. Maternal uncle told the informant that his father was in possession of huge amount. Thereafter, the informant took search of his father, however, he could not trace him out. Therefore, on next day, the missing report was lodged with the Police Station. Thereafter, on 12.03.2025 when the informant made enquiry with Sameer about his father, he told that there was quarrel between the present appellant and the informant's father on account of money. When the informant was searching his father, at that time, he received information from the police station that dead body of one unknown person is found lying in vicinity of village Pargaon Jogeshwari. Thereafter, the informant along with other villagers went there and identified the dead body of his father. Thereafter, the dead body was sent for postmortem. After

postmortem, the medical officer opined that cause of death was due to pressing neck with hands. On the basis of these allegations, the FIR came to be registered.

3. The accused were arrested on 13.03.2025. After completion of investigation, the charge-sheet is filed and the case is committed to the Sessions Court and is registered as Special (Atrocity) Case No.79/2025. The appellant filed application below exhibit 6 before the learned Special Judge (Atrocity), Beed, for regular bail. However, the said bail application has been rejected vide order dated 22.07.2025. Hence, this appeal for regular bail.

4. Learned advocate for the appellant submitted that the case of prosecution is purely based on circumstantial evidence. Role of the appellant is disclosed to the police by a boy, who is juvenile in conflict with law, therefore, the prosecution's case is weak. The statement of co-accused implicating the appellant is not substantive piece of evidence unless it is corroborated by independent witnesses. The appellant is arrested on 13.03.2025 and since then, he is behind bars. Since investigation in the crime is already over, custody of the

appellant is not at all required. He, therefore, prayed for releasing the appellant on regular bail.

5. *Per contra*, learned APP as well as learned advocate for respondent No.2 strongly opposed the instant appeal and stated that the appellant is involved in serious crime. According to them, Call Detail Records (CDR) of the appellant, co-accused and the deceased establish the communication between them and their presence at the spot. Merely because the prosecution case is based on circumstantial evidence, the appellant cannot be granted regular bail. Accordingly, they prayed for rejection of the instant appeal.

6. After having heard the learned advocates for the respective parties and after going through material available on record, it is seen that the name of appellant is surfaced only after his name is disclosed by co-accused (juvenile in conflict with law) when he was in police custody. The contention of appellant that such incriminating material against him is very weak piece of evidence, assumes significance. The contention of prosecution as regards CDR establishing presence of the accused and communication between them, is strongly controverted by

learned advocate for the appellant on the ground that their mobile phone is being shown same location throughout day and as such, CDR does not disclose participation of the appellant in crime. There is no incriminating call which shows active involvement of the appellant in crime. As the appellant is arrested since 13.03.2025 and investigation in crime is already over, the case for grant of regular bail to the appellant is made out. Therefore, the instant appeal deserves to be allowed by granting regular bail to the appellant on certain conditions. Hence, the following order:

ORDER

- a) The Criminal Appeal stands allowed.
- b) The impugned order dated 22.07.2025 passed by the learned Special Judge (Atrocity), Beed, is quashed and set aside.
- c) In connection with Crime bearing FIR No.118/2025 registered on 13.03.2025 with Ashti Police Station, District Beed for the offences punishable under Sections 103(1), 119(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(2)(va), 3(2) and 3(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant shall be

released on furnishing PR bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] with one solvent surety/ security in the like amount.

d) The appellant shall attend the concerned police station as and when called by the Investigating Officer till completion of trial and shall also attend the dates as are fixed by the learned Special Court.

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

7. 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.