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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.695 OF 2025

1. Majid Nawab Shaikh,
Age-50 years, Occu-Business,
R/o Plot No.4-32-763,
Wahed Kirana, Aurangabad

2. Kailash Babu Rathod,
Age-39 years, Occu-Business,
R/o Abdullapur Tanda,
Adool Bhurudu, Aurangabad

-- APPELLANTS

VERSUS

1. The State of Maharashtra

2. Priyanka w/o Anil Bhalerao,
Age-30 years, Occu-Household,
Add-(1) R/o Galli No.2, Santoshi
Mata Nagar, Mukund Nagar,
Chh.Sambhajnagar
Add-(2) Gagandeo, Pimpalgaon,
Tq.Phulambri, Aurangabad

-- RESPONDENTS

Mr.N.S.Ghanekar, Advocate for the appellants.
Mrs.A.S.Mantri, APP for the respondent/State.
Mr.G.A.Ambildhage, Advocate for respondent No.2.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 17 NOVEMBER, 2025

PER COURT :

1. The appellants, by the present appeal, are seeking

anticipatory bail under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in Crime No.487/2025 for the offences punishable under Sections 302, 201, 504, 506 r/w 34 of the IPC and under Sections 3(2), 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered with Dhule Taluka Police Station. Their Bail application filed before the Trial Court was rejected by order dated 10.09.2025 by the learned Additional Sessions Judge, Dhule.

2. Initially, on 27.06.2024, one Rayaji Laxman Kasare has reported the incident to the Police stating therein that on 26.06.2024, at about 6.30 p.m., in the evening, he received a phone call from one Narsing Shankar Gunjal , who informed him that while they were present in the office of the petrol pump, at that time, Anil who was alongwith him, fell from the terrace on the ground floor due to giddiness / dizziness and found unconscious on the ground floor and therefore he was being taken to the Civil Hospital, Dhule. Accordingly, the informant Rayaji also went to the said hospital at 2.00 p.m. in the midnight and met Narsing, who informed him that after examining Anil, Dr.Vasave declared him dead on 26.06.2024 at about 9.30 p.m. After the aforesaid unfortunate incident of death of Anil, his wife

Priyanka Anil Bhalerao approached the Police Station on 05.08.2024 and submitted that since her deceased husband was demanding his labour charges from his Contractor and owners of the Company, she had filed an application bearing Cri.M.A.No.149/2024, wherein an investigation is ordered u/s 175(3) of the B.N.S.S. and directed to register offence against accused No.1 Shaikh Majid @ Shakeel Nabab and accused No.3 Kailas Rathore u/s 302, 201, 504 and 506 of the IPC and u/s 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

3. According to the wife of the deceased Priyanka, around Rs.80,000/- was due from the accused persons and in view of the said dispute, there was frequent quarrel between the accused persons and the deceased. She further alleged that the accused persons hatched a conspiracy in order to avoid the payment to her husband, and hence committed his murder.

4. Heard the learned Advocate Mr.Ghanekar for the appellants. He has submitted that the appellants are falsely implicated in this crime. He has submitted that when the crime in question took

place at that time, appellant No.1 was in foreign country and therefore, he is not at all responsible for the unnatural death of the deceased. He had gone to Jeddah on 11.06.2024 and returned to Mumbai on 19.07.2024, which goes to show that he was not present in India at the time of incident. He further submitted that the Police did not find initially any incriminating substance to register crime against the appellants in the instant matter, which came to be registered only after the order passed by the learned Trial Court. He has further submitted that the main person, who was present alongwith the deceased at the time of incident, is not made accused in this crime. He has further submitted that only in order to extract amount from the appellants, the wife of the deceased has deliberately implicated them in the instant crime. He has further submitted that this Court has already granted ad-interim protection to them vide order dated 13.10.2025 and they are co-operating with the investigation and further submitted that except the amount quoted by the complainant, which is itself a disputed aspect, there is no incriminating material available against the appellants so as to connect them with the instant crime. He, therefore submits that the appellants be granted anticipatory bail by protecting the ad-interim protection earlier granted in their favour.

5. Per contra, the learned APP opposed the instant appeal on the ground that the investigation in the instant crime is going on. The person who was alongwith the deceased at the time of incident is yet to be arrested. The amount so claimed by the wife of the deceased has not yet been paid by the appellants to her. If the appellants are granted anticipatory bail, they will threaten the prosecution witnesses and may tamper with the evidence. Therefore, the learned APP prays for dismissal of this appeal.

6. The learned Advocate for respondent No.3 has re-iterated the submissions of the learned APP. He has also invited my attention to the submissions made by the complainant. If the said affidavit is perused, the question as regards improper investigation is raised so far. It has been further contended that unless and until the accused persons are interrogated in custody, no further development could take place in the investigation and therefore he is opposing the instant appeal.

7. Admittedly, at the time of incident, appellant No.1 was not in India. After returning in India, he has applied for anticipatory bail in the instant crime and this Court, vide order dated 13.10.2025, has

granted him interim protection. The investigation papers makes it clear that initially the Police had registered AD Case No.77/2024 u/s 174 Cr.PC. The complainant has approached the learned Trial Court pointing out the dispute as regards the arrears of labour charges to be paid to the deceased by the appellants. The Informant has further stated in her application before the learned Trial Court that the accused persons had quarreled with the deceased with regard to payment of Rs.80,000/- and out of the said quarrel, the accused persons have hatched the conspiracy to commit murder of her husband. Though the allegations levelled against the accused persons are serious in nature, but the fact, which cannot be ignored at this stage that the Police Authorities, instead of making enquiry of this accidental death of the deceased by interrogating one Narsing Shankar Gunjal, who was present alongwith the deceased at the time of incidence, registered the crime against the appellants, though one of them was not available in the town at the time of incident. The question as regards the accidental death whether he has fell down or whether he was pushed from the terrace, is the matter of investigation. The very first information as regards the incident is given by one Rayaji Laxman, who had stated that he was informed by one Narsing Gunjal on phone that the deceased had

fallen down from the terrace of the office of the petrol pump and the said report is first which is filed immediately and cannot be ignored as there are very less chances of tampering.

8. In that view of the matter, at this stage since the question of grant of anticipatory bail is concerned, naturally the appellants can co-operate with the investigation even on bail and therefore the instant appeal deserves to be allowed. Hence the following order :-

- (i) In the event of arrest of the appellants Majid Nawab Shaikh and Kailash Babu Rathod in connection with C.R. No. 487/2025, registered with Dhule Taluka Police Station, District Dhule, for the offences punishable under Sections 302, 201, 504, 506 r/w 34 of the IPC and u/s 3(1)(x), xii (r) s, xii(u), 3(2)(v) of the Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, they are directed to be released on bail on their furnishing PR bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand Only) each with one or more sureties in the like amount.
- (ii) The appellants shall attend the concerned Police Station as and when directed by the Investigating Officer and shall cooperate with the investigation, till filing of the charge sheet.
- (iii) The appellants shall furnish details of residential address and other contact details such as the mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately informed to the concerned police station.

- (iv) The appellants shall not leave the jurisdiction of the competent Court without prior permission, until further orders.
- (v) They shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

9. This criminal appeal is allowed in view of the above terms.

(SUSHIL M. GHODESWAR, J.)