



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

CRIMINAL APPEAL NO. 736 OF 2025

Yusuf s/o Noor Sayyad,
Age; 26 years, Occ; Labour,
R/o; Bangaon, Tq. Ambad,
District Jalna.

...APPELLANT
(Orig. Accused No. 1.)

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Police Station Ghansawangi,
Tq. Ghansawangi, Dist; Jalna.

2. Gautam s/o Murlidhar Hiwrale,
Age; 34 years, Occ; Labour,
R/o; Kolthanwadi Road,
Ekbad Nagar, Harsool,
Tq. & Dist. Ch. Sambhajinagar.

...RESPONDENTS
(Respdt. No. 2 Orig.
Complainant)

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Advocate for Appellant : Mr. Arjun Raosaheb Lukhe
APP for Respondent No. 1/State : Ms. Uma S. Bhosle
Advocate for Respondent No. 2 : Ms. Ashwini A. Lomte (appointed)

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CORAM : SUSHIL M. GHODESWAR, J.

Date of reservation : 17.11.2025

Date of pronouncement : 20.11.2025

PER COURT :

1. Heard, Mr. Arjun Raosaheb Lukhe, learned Advocate for the appellant, Ms. Uma S. Bhosle, learned APP for Respondent No. 1 and Ms. Ashwini A. Lomte, appointed learned Counsel for Respondent No. 2.

2. Appellant is challenging order dated 18.09.2025 passed below Exhibit-10, in Special Case No.24 of 2025, by the Special Judge (under SC and ST Act), Ambad, District Jalna, wherein, the application for grant of regular bail of the appellant came to be rejected by the Special Court.

3. The prosecution story in short is that the younger brother of the informant namely Pramod Hivrle was working as driver on one Mahindra Pick-up Vehicle and he was unmarried. He was having affair with one Sumaiyya Yusuf and the said Sumaiyya is married with the present appellant Yusuf Sayyad. It is stated in the report that the present appellant along with uncle of Sumaiyya namely Kaisar had previously assaulted the younger brother of informant namely Pramod on 2 to 3 occasions. Even the informant had tried to give understanding to the deceased Pramod asking him put to end to his affair with Sumaiyya. However, the deceased Pramod alleged to have disclosed his intention to marry Sumaiyya. On 11.07.2023 the deceased Pramod had left the house, however, he had not returned for two days and his phone was also shown switched off. Therefore, on 13.07.2023 the mother of the deceased Prayagabai lodged a missing report No. 43 of 2023 with the Police Station. During the inquiry of the said missing report, police obtained CDR report of the phone belonging to the deceased Pramod. From where it is transpired that deceased had made a call to Sumaiyya the wife of appellant. Therefore, the informant had gone to the house of

Sumaiyya, however, the said house was locked. After inquiry, the informant came to know that Sumaiyya had gone to her relative at Siddheshwar Pimpalgaon, Tq. Ambad, District Jalna. Therefore, the informant went there and met Sumaiyya and her husband i.e. the appellant. However, they refused to disclose any information pertaining to whereabouts of deceased Pramod. Since informant could not get any clew therefore, returned to Sambhajinagar. At Sambhajinagar, they saw the uncle of Sumaiyya namely Kaiser, who was injured and was limping i.e. he was not walking properly. Due to said limping the informant got suspicious and therefore, he approached Police Station. Thereafter, the police called Sumaiyya and her husband for inquiry. The police, thereafter, has found dead body of the deceased Pramod and the same was identified by the informant. Therefore, the informant has lodged the report to with police. On the basis of report, the FIR No.111 of 2025 is registered with Ghanaswangi Police Station, District Jalna, for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code 1860 and under Section 3(2), 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,1989,. The appellant alongwith co-accused Kaiser were arrested. Therefore, the appellant initially approached to session court for grant of regular bail. However since it is rejected therefore he is before this Court praying for grant of regular bail.

4. According to the appellant, police has completed the

investigation. There is no direct evidence available in the instant crime. The only allegation against the present appellant in the form of hear-say evidence on the statements of two witnesses, who had stated that the wife of appellant called them and told them that her husband i.e. appellant, and her relatives have killed the deceased Pramod. The learned Counsel for the appellant therefore, submitted that the appellant cannot be kept behind the bars for unlimited period. The investigation in this Crime is completed and he may be enlarged on regular bail. He further submitted that the trial would take its own time to commence and conclude, however, till that time the appellant cannot be kept behind the bars for unknown period.

5. Per-Contra, Ms. Uma S. Bhosale, the learned APP for the respondent-State has submitted that the appellant has involved in this crime and committed murder of a young person. She further submits that the wife of the appellant had informed two witnesses and their statements disclose that the wife of appellant had told them that deceased Pramod has been killed by her husband, brother-in-law and uncle and therefore, there is sufficient material against the appellant and therefore, the instant appeal be rejected.

6. Ms. Ashvini A. Lomte, the learned Counsel for respondent No. 2 also reiterated the submissions of the learned APP. According to her the appellant is involved in the heinous crime and if he is released on

bail, he may tamper the prosecution witnesses. The trial is yet to be conducted. Therefore, she prays for rejection of the instant appeal.

7. Admittedly, there is no direct evidence available against the appellant. The statements of two witnesses stating that the wife of the appellant had called them and inquired about the deceased Pramod and she had stated them that deceased Pramod was killed by her husband, brother-in-law and her elder brother of her husband.

8. In this case there appears to be three accused persons. Accused No. 2 Kaiser, who was also alleged to have beaten the deceased Pramod, has been granted regular bail by this Court, who was also arrested on the same date i.e. on 02.04.2025. The present case of the appellant is at all not different from the case of the said accused Kaiser, as admittedly, there is no material against the appellant in the entire charge-sheet. The investigation in the instant Crime is already over and the charge-sheet is also filed. The trial in the matter would take its own time and for that entire period of the trial the appellant cannot be kept behind the bars. The statement of Siraj and Imran recorded by the police can not at all be said to be incriminating material against the present appellant. Hence, as there is no material against the appellant to prima-facie hold that the present appellant is alleged to have committed murder of the deceased Pramod, therefore, I am inclined to grant regular bail to the appellant. Hence I pass following order :

ORDER

- [i] The Criminal Appeal is allowed.
- [ii] The impugned order is quashed and set aside.
- [iii] The Appellant Yusuf s/o Noor Sayyad shall be released on bail in connection with Crime No.111 of 2025, registered with Ghanaswangi Police Station, District Jalna, for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code 1860 and under Section 3(2), 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,1989, on furnishing PR bond of Rs.25,000/- with one surety in the like amount, to the satisfaction of the trial Court, on following conditions :
 - [a] The Appellant, upon being released on bail, shall not contact the informant, witnesses in any manner whatsoever, during the pendency of the trial.
 - [b] The Appellant shall co-operate with the trial Court and shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.
 - [c] The Appellant, upon being released on bail, shall attend the concerned Police Station two days in month i.e. on every 5th and 20th day of each month till conclusion of the trial.
 - [d] The Appellant shall not tamper with the evidence of the prosecution and shall not influence the informant, witnesses and other persons concerned with the case and not to indulge in any criminal activities.
 - [e] The Appellant, upon being released on bail, shall place on record of the trial Court their details of Contact Number and residential addresses 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.

10. It is also clarified that the observations made in this order are limited to the disposal of the present appeal. The concerned Trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. Learned advocate for respondent No.2/informant is appointed through Legal Aid. Her fees shall be quantified and paid to her as per rules, by the High Court Legal Aid Services Sub-Committee, Bench at Aurangabad.

12. The appeal stands allowed and disposed of.

(SUSHIL M. GHODESWAR, J.)

mahajansb/