

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 889 OF 2025

HARISH
VITHAL
CHAUDHARI

Rohit Raju Badave
Versus

...Appellant

The State Of Maharashtra and Anr.

...Respondents

Digitally signed
by HARISH
VITHAL
CHAUDHARI
Date:
2025.11.20
10:59:29
+0530

Mr. Priyal G. Sarda Advocate for the Appellant.
Smt. Veera Shinde, APP for the Respondent-State.
Adv. V. S. Kupawade Advocate for Respondent No.2 appointed.
through Legal Aid Committee.

CORAM : SHIVKUMAR DIGE, J.
DATE : 13th NOVEMBER, 2025.

P.C.

1. The bail application of the appellant is rejected by the Trial Court, hence, the appellant is before this Court by way of this appeal.
2. By this appeal, the appellant is seeking regular bail in Crime No.503 of 2023 registered with Bhuinj Police Station, Satara, for offences punishable under Section 302, 510 read with 34 of the Indian Penal Code 1860 and Sections 3(2)(v) and 6 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
3. It is prosecution's case that on 25th November 2023 at about 7.15 a.m., the deceased was murdered by unknown persons by

inflicting injuries on him with sharp weapons. It is alleged that the appellant and co-accused assaulted the deceased with wooden sticks and rubber pipe as deceased abused the appellant and co-accused.

4. It is contention of learned counsel for the appellant that the appellant has been falsely implicated in this case. There was no motive for the appellant to kill the deceased. The appellant is behind bar around 2 years. Investigation is completed. Charge-sheet has been filed. It may take time to conclude the trial. Hence, requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for respondent No.2 that the appellant and co-accused assaulted the deceased. All of them had drunk liquor. The appellant was last seen with deceased. Blood stained clothes are recovered at the instance of the appellant. The appellant is involved in the murder of the deceased. If he is released on bail, he may abscond or threaten the prosecution witnesses. Hence, requested to reject the application.

6. I have heard all learned counsel, perused the charge-sheet.

7. The prosecution case is based on circumstantial evidence. It is prosecution case that after drinking liquor, there was scuffle between the deceased, appellant and co-accused on the ground that deceased had abused the appellant and co-accused. The appellant is behind bar

around 2 years. Investigation is completed, charge-sheet has been filed. It may take time to conclude the trial. Considering these facts, I pass following order:

ORDER

- I. Appeal is allowed.
 - II. The appellant be enlarged on bail in Crime No.503 of 2023 registered with Bhuinj Police Station, Satara, on executing P. R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
 - III. The appellant shall attend the concerned police station as and when required.
 - IV. The appellant shall not attempt to influence or contact the witnesses or any person concerned with the case.
8. The appeal is allowed in the aforesaid terms and is accordingly disposed off.
9. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.
10. All concerned to act on the authenticated copy of this order.
11. As Mr. Vaibhav Kupwade is appointed to represent Respondent No. 2 through legal aid, professional fees of Rs. 10,000/- be paid to him.

(SHIVKUMAR DIGE, J.)