

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 906 OF 2025

Bhiwa Sampati Budruk

...Appellant

Versus

State of Maharashtra & Anr.

...Respondents

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Mr. Viresh Purwant a/w Mr. Ashutosh Purwant, Advocate for Appellant.

Mr. Sharad Bhosale a/w Mr. Saiprasad Patil, and Ms. Sujata Lohar, Advocate for the Respondent No.2/Informant.

Mr. S. H. Yadav, APP for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 18th DECEMBER, 2025

P.C.

1. By this Appeal, the Appellant is seeking regular bail in Crime No.49 of 2025 registered with Madha Police Station, District Solapur for the offences punishable under Sections 103(1), 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(2)(v), 3(1)(r)(s) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989.

2. It is prosecution's case that the appellant has murdered the deceased by assaulting him with sickle on the ground of old land dispute.

3. It is contention of learned counsel for Appellant that the Appellant is behind bar for more than nine months. Investigation is completed and charge-sheet has been filed. The prosecution's case is based on circumstantial evidence. The extra judicial confession made by the applicant is not admissible. The applicant has no antecedents. The applicant is around 68 years old. Hence, requested to allow the Appeal.

4. It is contention of learned APP and learned counsel for the Intervenor that the applicant has falsely stated his age as 68 years. He has made extra judicial confession about commission of crime. There are witnesses stating that there was dispute between the applicant and deceased. The appellant had motive to kill the deceased. As per the provisions of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, the appellant is not entitled for bail and requested to reject the Appeal.

5. Learned counsel for the respondent No.2 relied upon the Judgment of the Hon'ble Apex Court in **Hariram Bhambhi Versus Satyanarayan and Another**¹.

6. I have heard all the learned counsels, perused the FIR and documents placed on record. The prosecution's case is based on

1 2021 AIR (SC) 5610.

circumstantial evidence. The evidentiary value of extra judicial confession can be considered at the time of trial. The appellant is more than 60 years old. The appellant is behind bar for more than nine months. Though charge is framed, there is no progress in trial. It may take time to conclude the trial. I have gone through the case laws cited by the learned counsel for the Respondent No.2. The facts of the present case and the cited case law are different, hence not applicable to this case.

7. Considering these facts, I pass the following order :

ORDER

(i) Appeal is allowed;

(ii) The Appellant be enlarged on bail in Crime No.49 of 2025 registered with Madha Police Station, District Solapur, on executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.

(iii) The Appellant shall not tamper with the evidence or shall not attempt to influence or contact the witnesses or any person concerned with the case.

(iv) The Appellant shall not enter into Madha Taluka till recording of evidence of the prosecution witnesses except attending the trial Court dates.

(v) Appellant shall attend the Trial Court dates, regularly.

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.

(SHIVKUMAR DIGE, J.)