

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

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 1281 OF 2024**

Meraj Kamaruddin Khan

... Appellant

Versus

State of Maharashtra & Anr.

... Respondents

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Mr. Saurabh Butala a/w. Ms. Manvi Sharma, Advocates for the Appellant.  
Mr. Kaushik Mhatre, Special P P a/w. Mr. Prashant P. Jadhav, APP for the State.

Mr. Kushal Mor, Appointed Advocate for Respondent No.2.

API – Ms. Smita Pawar, Uran Police Station present.

**CORAM : SHIVKUMAR DIGE, J.**

**DATED : 28<sup>th</sup> APRIL, 2025.**

**P. C. :**

1. The application for regular bail of the appellant is dismissed by the Trial Court hence appellant has filed the present appeal.

2. By this appeal appellant is seeking regular bail in C.R.No. 216 of 2024 registered with Uran Police Station for the offence punishable under Sections 302, 201, 376(2)(n) and 34 of Indian Penal Code and under Sections of 3(1)(w)(i)(ii) and 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short “SC & ST Act”).

3. It is prosecution’s case that accused No.1 had love affair with the

woman belongs to SC caste. Due to dispute, he murdered her. It is alleged that after her murder and before her murder, accused No.1 was in contact with the appellant and appellant has helped him to destroy mobile phone of the deceased.

4. It is contention of learned counsel for the appellant that appellant has been falsely implicated in this case. As per prosecution's case the accused No.1 had love affair with the deceased and he had murdered her. It is alleged that appellant helped deceased to destroy mobile phone of the deceased and he was in continuous contact with the accused No.1. The appellant is behind bar around one year. Considering the allegations against the appellant, he be released on bail.

5. It is contention of learned APP along with learned counsel for respondent No.2 that accused No.1 was friend of the appellant. He used to visit the hotel of the appellant with the deceased. The appellant was aware of the caste of the deceased. After murder of the deceased, accused No.1 contacted the appellant and appellant helped him to destroy the mobile phone of the deceased. As per the provisions of SC & ST Act, the appellant is an equal offence with accused No.1, hence requested to dismiss the appeal.

6. I have heard all learned counsel. Perused charge-sheet. The allegations against the appellant are that he helped accused No.1 to

destroy the mobile phone of the deceased. Whether appellant was aware of the caste of the deceased or not is part of evidence. He is not involved in the murder of the deceased. Considering the allegations against the appellant, further detention of the appellant is not required and I pass following order.

### **ORDER**

- i. The appellant be enlarged on bail in C.R.No. 216 of 2024 registered with Uran Police Station, on executing PR.Bond of Rs. 50,000/- on furnishing one or two sureties of the like amount.
- ii. The appellant shall attend the concerned police station as and when required.
- iii. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.

7. The Appeal is allowed in the aforesaid terms and is accordingly disposed of.

8. All concerned to act on the authenticated copy of this order.

**( SHIVKUMAR DIGE, J.)**