

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.256 OF 2025

Bhagwan Ashok Khairnar Appellant

V/s.

The State Of Maharashtra And Anr Respondents

Mr.Sahil Choudhari h/f Mr.Anandmaya Dhorde, for the Appellant.

Ms.Shilpa Gajare, APP, for Respondent-State.

Ms.Seema Dighe, Appointed Advocate, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 31st JULY 2025

P.C:-

. The Special Court has rejected the Bail Application of the Appellant.

2. By this Appeal, the Appellant is seeking regular bail in Crime No.333 of 2024 registered with Chandwad Police Station, for the offences punishable under Sections 103(1), 118(1), 115, 189(2), 191(2), 191(3), 190, 352, 251(2) of Bhartiya Nyaya Sanhita, 2023 ('BNS' for short) and Sections 3(1)(r)(s),

Digitally
signed by
NILAM
SANTOSH
KAMBLE
Date:
2025.08.04
19:11:27
+0530

and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SCST Act' for short).

3. It is prosecution's case that, on 3rd September 2024 around 8.00 p.m., the Appellant and co-accused murdered the father of the first informant by assaulting him with wooden log and ice pick.

4. It is contention of the learned counsel for the Appellant that, the main allegations are against the co-accused who are behind bar. There are no allegations against the Appellant that, he assaulted the deceased. The allegations against the Appellant are that, he pushed the first informant. The Appellant is behind bar around 10 months. It may take time to conclude the trial. Hence, requested to allow the Appeal.

5. It is contention of the learned APP and learned counsel for Respondent No.2 that, the Appellant and co-accused are family members they assaulted the deceased with wooden log and ice pick. They brutally murdered the deceased. They are from same locality, if the Appellant released on bail he may

threaten the prosecution witnesses. The trial is in progress. The Appellant may abscond. Hence, requested to dismiss the Appeal.

6. I have heard both learned counsel. Perused FIR and documents produced on record.

7. In FIR the allegations against the Appellant are that, he was part of group who assaulted the deceased. He pushed the first informant. There are no allegations in the FIR that the Appellant had assaulted the deceased. To prove his involvement, evidence is required.

8. Considering these facts as well as Appellant is behind bar around 10 months. It may take time to conclude the trial and I pass following order.

ORDER

(i) The Appellant-Bhagwan Ashok Khairnar be released on bail in Crime No.334 of 2024 registered with Chandwad Police Station, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.

- (ii) The Appellant shall not enter in Taluka-Chandwad, till conclusion of the Trial except attending the Court dates.
- (iii) The Trial Court shall decide the case on its own merit and in accordance with law, uninfluenced by the observations made in this order.
- (iv) The Appeal is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)