



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO. 68/2025

Tikesh @ Golu Shivdas Shahu Vs. State of Maharashtra and Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. D. Chande, Advocate for the Appellant.
Mr. U. R. Phasate, A.P.P. for the Respondent/State.
Mr. P. S. Lingayat, Advocate for Respondent No.2.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 07/11/2025.

. Heard.

2. This appeal is filed by the appellant challenging the order dated 26.09.2024 passed by the Sessions Court rejecting the application for regular bail.

3. The appellant is arrested in Special Case No.523/2020 in connection with Crime No.437/2020 registered with Police Station, Bori, District Nagpur for the offences punishable under Sections 302, 307, 326, 324, 143, 147, 148, 149, 504 of the Indian Penal Code, Sections 4 and 25 of the Arms Act, and Sections 3(2)(v), 3(2)(va), 3(1)(e) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. It is the case of the prosecution that a group of 15 accused have committed an offence causing the death of two persons namely Ilias and Badal. On 06.08.2025 the complainant along with his friend was sitting on a stall at Butibori at around 6.00 p.m. in the evening. At that time the co-accused Munna came there and started abusing the complainant, due to which his friend Ilias got angry and as such, the complainant and Ilias slapped Munna. Thereafter, the co-accused Munna and his friend went

away from the spot. After around 15 minutes the applicant came there along with 10 to 15 persons, who were holding weapons like knives and stones, started assaulting the complainant and his friends. The appellant and his friends assaulted one of his friend Badal by knife due to which he died on the spot. Another friend of the complainant namely Sanju @ Christopher has injury on his stomach. Ilias was also grievously injured and the complainant, his friend Christopher and Ilias were taken to medical hospital for treatment. His friend Ilias succumbed to injuries during treatment. Christopher was grievously injured and the complainant suffered minor injuries due to which he was discharged after the treatment and has lodged the complaint and the offence is registered against all the 15 persons.

5. The learned Counsel for the appellant has stated that the appellant is in jail since last 5 years. Out of 15 persons 8 are already released on bail and 2 are protected by granting anticipatory bail. The ground of parity is available to this appellant as this Court has granted bail to one of the accused, who is having similar role. The clothes and knife are recovered from this appellant but there were no blood stains on the clothes and knife. The similar role is attributed to one of the accused Javed Jabbar Sheikh. The learned Counsel for the appellant has stated that though the trial is commenced, only 4 witnesses have examined so far and there are 38 witnesses which are remained to be examined. There is delay in trial and the ground of parity is available. Though the eye witnesses are there, there is discrepancy as regards the

place of incident as the incident took place behind the Pan Shop as per the First Information Report. Hence, prayed to release the appellant on bail.

6. The learned A.P.P. opposed the application stating that though some of the accused persons are released on bail, their role was different. The appellant has not disclosed antecedents against him at the time of filing the appeal. The role of this appellant is mentioned by the eye witness and the eye witness has specifically stated that he has assaulted Ilias and the complainant and also assaulted Badal. As the role of this appellant is different from accused Pawan Meshram and as per the observations made by the Hon'ble Apex Court in *X Vs. State of Rajasthan and Anr. [Special Leave Petition (Criminal) No.13378/2024]*, that if the trial is commenced, bail cannot be granted. Here in this case also the trial is commenced and the offence is serious as the double murder is committed by the 15 persons, prayed to reject the application.

7. The learned Counsel for the respondent No.2 has adopted the argument made by the learned A.P.P. and requested to reject the application.

8. Heard both the learned Counsel for the respective parties.

9. On perusal of the record it appears that out of 15 accused 10 are already released on bail. Eye witnesses are there. The similar role is played by this appellant as that of one of the accused, this Court has already released that accused. Though the trial is initiated, it appears that the appellant is in jail since last 5 years and 4 months. Only 4

witnesses are examined since last 5 years. The other co-accused are already released on bail and the ground of parity as well as ground of delay in trial are available in this case. On the grounds of parity and delay in trial, the appellant deserves to be released on bail. Accordingly, I proceed to pass the following order :

- i] The criminal appeal is allowed.
- ii] The appellant shall be released on bail in connection with Crime No.437/2020 registered with Police Station, Bori, District Nagpur for the offences punishable under Sections 302, 307, 326, 324, 143, 147, 148, 149, 504 of the Indian Penal Code, Sections 4 and 25 of the Arms Act, and Sections 3(2)(v), 3(2)(va), 3(1)(e) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- iii] The appellant shall not in any way tamper with the prosecution evidence.
- iv] The appellant shall not pressurize or threaten the prosecution witnesses.
- v] The appellant shall attend the concerned police station on every Monday and Saturday between 1:00 p.m. to 2:00 p.m.

vi] The appellant shall co-operate the investigation officer.

The Criminal appeal is disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)