IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 201 OF 2026

SHUBHAM SAMBHAJI SAWAT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...

Mr. A. N. Sabnis, Advocate for Appellant
Mr. N. R. Dayama, APP for the Respondent/State
Mr. M. B. Sandanshiv, Advocate for Respondent No.2.

CORAM : R. M. JOSHI, J.
DATED : 5th OCTOBER, 2026

PER COURT :-

1. This appeal filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'Atrocities Act') takes exception the order dated 09.12.2025 by the learned Addl. Sessions Judge, Jalgaon rejecting regular bail of the Appellant in connection with the Crime No. 196/2025, registered with Chalisgaon Rural Police Station, District Jalgaon, for the offences punishable under Sections 103(1), 140(1), 238(c), 3(5) of the Bharatiya Nyaya Sanhita, under Sections 3(2), 3(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, under Sections 3/25, 7/25, 5, 7, 27, 29 of Arms Act and under Sections 37(1)(3), 135 of Maharashtra Police Act.

2. The First Information Report was lodged by the wife of the deceased.

According to the Informant, in the Gram Panchayat election, the mother of the present Ashok was elected as Sarpanch, and co-accused Govind was elected as Deputy Sarpanch due to the efforts taken by the husband of the Informant. It is alleged that, during the election, they had promised to erect a statue of Eklavya; however, thereafter, they failed to keep the said promise. Consequently, a dispute arose between them. It is further alleged that about one year prior to the present incident, Ashok had assaulted the deceased, in respect of which an offence was registered. It is further alleged that accused Shubham came to the village and met the deceased as a friend, and thereafter the Appellant also became friends with the deceased.

3. On 29.06.2025, at about 4.30 p.m., the deceased left his house to attend the birthday celebration of his friend. He did not return thereafter. When the Informant searched for the deceased, she came across a lady who had witnessed the deceased parking his motorcycle near her shop and thereafter leaving the place. Subsequently, the dead body of the deceased was found at Kannad Ghat. Thus, the allegation is that the deceased was abducted and thereafter murdered.

4. Learned Advocate appearing for the Appellant submits that the Appellant was arrested in connection with the present crime on 03.07.2025. According to him, there is a delay in lodging the First Information Report as

well as in filing the missing complaint. He submits that although the husband of the Informant had failed to return home after leaving the house on 29.06.2025, no missing report was lodged until 01.07.2025. The First Information Report was thereafter lodged on 03.07.2025, despite the fact that the dead body had already been found on 01.07.2025.

5. It is further submitted that, in her statement while lodging the First Information Report, the Informant specifically stated that she had spoken to the deceased over the telephone at about 9.00 p.m., thereby indicating that the deceased was alive until 9.00 p.m. He argues that the only evidence against the Appellant is the CDR, which is not sufficient to establish his involvement in the crime, for the reason that the CDR indicates the presence of the person carrying the mobile phone within a radius of at least 3 to 5 km in rural areas. He further submits that the evidence of recovery of blood-stained clothes is not conclusive in nature, for the reason that the blood allegedly found on the clothes of the Appellant cannot be said to be that of the deceased.

6. Learned APP and learned Advocate for the Informant opposed the enlargement of the Appellant on bail, relying upon the seriousness of the crime. According to them, there is evidence in the form of statements of witnesses as well as CCTV footage indicating the presence of the present

Appellant along with the deceased on the evening of the fateful day. It is their contention that thereafter the deceased was not seen alive and, therefore, the theory of last seen together would apply to the Appellant.

7. It is further submitted that the evidence collected by the Investigating Officer receives further support from the CCTV footage of the hotel, which indicates the presence of the Appellant along with the co-accused and the deceased, as well as from the call detail records. It is claimed that the recovery of blood-stained clothes of the Appellant is sufficient to connect them with the crime. Bail is also opposed on the ground that the provisions of the Atrocities Act have been invoked in the present case.

8. There is no dispute about the fact that, on 01.07.2025, the dead body of the deceased was found. The post-mortem report indicates that the deceased had sustained a gunshot injury as well as other injuries on his person. There is sufficient material on record to indicate that the death of the deceased was homicidal.

9. The question that now arises is as to what evidence is available against the present Appellant showing his involvement in the crime. There is no eye witness to the incident in which deceased died. The circumstances appearing on record needs to be appreciated for deciding the present appeal. Therefore,

in the First Information Report, Informant claimed that she had spoken to the deceased at about 9.00 p.m. on 29.06.2025. The evidence collected during investigation i.e. CDR of mobile phone of deceased indicates that the wife of the deceased was called at 7.12 p.m. and not at 9.00 p.m. on 29.06.2025. There is however material in the form of CDR indicating present Appellant in company of the deceased even thereafter. Though, the CCTV footage of the hotel indicates the presence of the Appellant around the time of talk of deceased with his wife, CDR on record show they being in company of each other even thereafter.

11. As regards the statement of the lady who had seen the deceased parking his motorcycle, she also claimed the presence of another person. Perusal of the record indicates that the said person, who was accompanying the deceased while he was parking the motorcycle, was not co-accused Ashok but Appellant Shubham.

12. As observed above, there is evidence in the form of CDR indicating that the Appellant was along with the deceased throughout, as the CDR of the deceased indicates so. Thus, unlike co-accused Ashok, there is evidence other than the blood-stained clothes to connect the Appellant with the crime. Moreover, the statement of the lady who had seen the deceased with the present Appellant is also sufficient to accept his involvement in the crime,

namely, the murder of the deceased. Having regard to these facts, there is *prima facie* evidence against the Appellant showing his complicity in the serious crime of murder. Hence, this is not a case for grant of bail. Hence, the Appeal stands rejected.

(R. M. JOSHI, J.)

ssp