IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 269 OF 2026

ASHOK MAGAN MARATHE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Mr. Anudeep Dilip Sonar, 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 Appellant-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, Appellant-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 Advocates 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. It is submitted that the evidence collected during the course of investigation does not indicate the presence of the Appellant with the deceased after 9.00 p.m. It is further submitted that, apart from the alleged recovery of blood-stained clothes and the report in respect thereof being inconclusive in nature, there is no material connecting the Appellant with the crime. Therefore, the Appellant cannot be kept in custody by way of pre-trial detention. It is also submitted that there is no possibility of the trial commencing and concluding within a short period.

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. The first Informant states that there were disputes between the Appellant and the deceased about one year prior to the present incident. In the First Information

Report, she claimed that she had spoken to the deceased at about 9.00 p.m. on 29.06.2025.

10. Learned APP has drawn the attention of the Court to the CDR of the deceased,which 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. This contention finds support from the material collected during the course of investigation. However, this material also indicates that the deceased was alive up to 7.12 p.m. The CCTV footage of the hotel also indicates the presence of the Appellant around the same time. The statements of the witnesses regarding the incident that occurred at the market place are also prior in point of time.

11. As regards the statement of the lady who had seen the deceased parking his motorcycle, she also claimed the presence of another person. However, perusal of the record indicates that the said person, who was accompanying the deceased while he was parking the motorcycle, was not Appellant-Ashok but co-accused Shubham. Thus, the said statement does not assist the prosecution in establishing the complicity of the Appellant in the crime.

12. Apart from this, the other evidence on record, more particularly the statements of the witnesses, indicates the nexus of the co-accused with the purchase of the firearm. However, the said statements do not show any

connection of the present Appellants with the said firearm.

13. The call detail records collected during the course of investigation indicate that co-accused Shubham contacted the deceased at 5.24 p.m. on 29.06.2025 and thereafter contacted Appellant-Ashok at 5.29 p.m. on the same day. However, there is no CDRS to indicate that this accused and deceased to be at same place, where location of mobile of Appellant is found.

14. The only circumstance incriminating against the Appellants is that the clothes of the Appellants, seized during the course of investigation, were found to be stained with human blood. However, the Chemical Analyzer's report regarding the blood of the deceased is inconclusive. Therefore, it cannot be said with certainty that the blood found on the clothes of the Appellants was that of the deceased.

15. *Prima facie* perusal of the record indicates that the incriminating evidence against the present Appellant is weak in nature. The charge-sheet has now been filed and, therefore, there appears to be no further reason to keep the Appellant in custody. The Appellant has no criminal antecedents and is not likely to flee from justice. His presence during the course of trial can be secured by imposing appropriate conditions. Hence, the Appeal deserves to be allowed. Hence, the following order:

ORDER

(i) Appeal is allowed.

(ii) Appellant in connection with 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, under Sections 3/25, 7/25, 5, 7, 27, 29 of Arms Act and under Sections 37(1)(3), 135 of Maharashtra Police Act be released on bail on furnishing PB and SB of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

(iii) He shall not contact the witnesses directly or indirectly.

(iv) He shall not interfere with the evidence in any manner whatsoever.

(v) He further directed to cooperate the investigating agency for further investigation.

(vi) He shall attend the each dates of hearing before Trial Court unless exempted.

(R. M. JOSHI, J.)

ssp