IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

948 CRIMINAL APPEAL NO. 495 OF 2026

Avinash Alias Avinath
Sukhalal Sonawane ....Appellant

VERSUS

The State of Maharashtra & another .....Respondents

Mr. S. S. Rathi, Advocate for Appellant
Mr. S. B. Narwade, APP for the State.
Mr. H. P. Randhir, Advocate for Respondent No. 2.

CORAM : R. M. JOSHI, J.
DATE : 6th OCTOBER, 2026.

PER COURT :

1. This Appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act takes exception to the order dated 18.04.2026 passed by the Special Judge below exhibit 13 in Special Case No. 17/2026. Appellant seeks regular bail in connection with Crime No. 450/2025, registered with Yawal Police Station, District Jalgaon, for the offences punishable under Sections 103(1), 189(2), 189(3), 191(2), 191(3), 126(2), 140(1), 238 of Bharatiya Nyaya Sanhita and Sections 3(2)(v), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. First Information Report lodged by the father of the deceased indicates that on 02.12.2025, phone call was received indicating that his son i.e. deceased is admitted in hospital at Yawal. He went to the Rural Hospital, Yawal wherein deceased told him about occurrence of the incident at 6.00 pm wherein he was abducted and assaulted by Rahul, Vikram and 6 to 7 unknown persons. While admitted in hospital for treatment, he succumbed to the injuries on 03.12.2025. On the basis of supplementary statement, name of present Appellant was revealed in the crime. On conclusion of investigation, charge-sheet is filed.

3. Learned Counsel for Appellant submits that except for the alleged recovery of stick, there is no other evidence which would show involvement of the Appellant in the crime. It is his submission that even recovery of stick is not incriminating for the reason that there are no blood stains on the said stick. He drew attention of the Court to the test identification parade panchanama indicating that none of the eye witnesses has identified the Appellant in the said parade. This according to him, is relevant in view of the fact that neither deceased nor informant or eye witnesses had acquaintance with the present Appellant. According to him, there is evidence in the form of

CCTV footage however, said evidence also does not show involvement of Appellant in the crime. He further submits that the Appellant has no criminal history and that he is not likely to flee from justice.

4. Learned APP and learned Counsel for the informant opposed grant of any relief to the Appellant firstly submitting that the office committed is serious in nature. Reference is made to the Post Mortem notes indicating that there are 36 injuries inflicted upon the person of the deceased which show the manner in which he was assaulted. Reference is also made to the statement of eye witnesses and the panchama of recovery of stick at the instance of the Appellant.

5. Prima facie perusal of the record indicate that except for recovery of stick, there is no other evidence indicating involvement of the Appellant in the crime. Though eye witnesses have stated about they having seen the incident in question, in identification parade, none of them have identified the Appellant to be the person who was there along with co-accused. Even evidence of CCTV footage is negative in sofar as Appellant is concerned. Though there is recovery of stick, admittedly the said stick does not bear any blood stain.

Considering the nature and number of injuries caused to the deceased, finding of blood stains on the stick if it was used in the assault is obvious. In absence thereof, this Court finds substance in the contention of learned Counsel for the Appellant that recovery of stick cannot be considered as incriminating circumstance against the Appellant. Further, Appellant has no criminal history behind him and he is not likely to flee from justice. In any case, there is no allegation against the Appellant that he had any motive to commit murder of the deceased.

6. In view of above discussion, appeal is allowed. Hence, the following order :-

ORDER

(i) Appellant Avinash @ Avinath Sukhlal Sonawane, be released on bail in connection with Crime No. 450/2025, registered with Yawal Police Station, District Jalgaon, for the offences punishable under Sections 103(1), 189(2), 189(3), 191(2), 191(3), 126(2), 140(1), 238 of Bharatiya Nyaya Sanhita and Sections 3(2)(v), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.

(ii) He shall attend the concerned police station as and when called.

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

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

(v) He is further directed to appear before Trial Court on each date of hearing unless exempted.

7. It is clarified that the observations made in this appeal are prima facie in nature and the Trial Court shall not get influenced by the same.

(R. M. JOSHI, J.)

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