IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

938 CRIMINAL APPEAL NO. 721 OF 2026

Vikas Pandurang Pawar ....Appellant

VERSUS

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

Mr. R. B. Ade, Advocate for Appellant
Mr. S. B. Joshi, APP for the State.
Mr. A. L. Kanade, Advocate for the informant.

CORAM : R. M. JOSHI, J.
DATE : 8th OCTOBER, 2026.

PER COURT :

1. This appeal under Section 14A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act takes exception to the order dated 25.08.2026 passed by the Special Judge, rejecting regular bail application filed by the Appellant and seeks bail.

2. Bail came to be rejected in connection with Crime No. 188/2026 registered with Paithan Police Station, District Chhatrapati Sambhajinagar Rural, for the offences punishable under Sections 103(1), 49, 54, 55, 60(a) of Bharatiya Nyaya Sanhita and Sections 3(v), 3(1)(r), 3(1)(s), 3(1)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. First informant Devidas reported incident occurred on 02.06.2026 by stating that at about 7 to 7.30 pm, his well acquaintance i.e. present Appellant called him on mobile phone and informed him about the quarrel occurred between son of the informant and him. He called him infront of house of present Appellant. Informant came infront of Renuka Apartment i.e. residence of present Appellant. At that time, Appellant was accompanied by his son Sainath. Informant told him that he will call his son Anmol and therefore, called his wife asking her to bring Anmol to the spot. At about 8.00 to 8.15 pm, his wife brought Anmol to the spot. When there was talk going on, number of people gathered on the spot. It is also stated that at the spot, two wooden logs were lying and the said logs were removed by someone. There is allegation against Sainath that he went towards the parking of Renuka apartment and brought knife which was concealed there and assaulted Anmol on his chest. There is allegation that present Appellant and co-accused instigated him to cause said assault. In the said incident, serious injuries were caused to Anmol. Anmol was taken to the Government hospital wherein he died. Offence came to be registered against the present Appellant and co-accused.

4. Learned Counsel appearing on behalf of the Appellant submits that prima facie there is no evidence on record collected during the course of investigation in order to hold that Appellant was responsible for the murder of the deceased. It is his submission that on the basis of the report submitted by the investigating agency to the Special Judge, it could be seen that the Appellant has not aided or abetted or instigated commission of crime. He also drew attention of the Court to the video of the incident which, according to him, indicate that infact the assailant without knowledge of the appellant and others went towards the building and came back with a knife and without any instigation from any one, caused assault on the deceased. It is his further submission that this Court has granted bail to the co-accused. According to him, as far as present Appellant is concerned, except for the fact that he is the father of another co-accused, who has caused assault on the deceased, the role attributed to both the Appellants is the same.

5. Learned APP and learned Counsel for the informant opposed grant of bail. To support his submissions, learned APP drew attention of this Court to the evidence collected during course of investigation. According to him, the presence of Appellant at the spot

is not in dispute so also fact that he had called father of deceased to the spot. Learned Counsel for informant submits that there is statement of witness indicating that the Appellant has abetted assault and assisted the co-accused in causing assault on the deceased. According to him, statement of this witness also indicates that after actual assault was caused by co-accused, present Appellant abused the mother of the deceased over caste. Apart from this, it is his submission that the incident would not have occurred if the Appellant had not called deceased and his father to the crime scene. He claims that Appellant is likely to cause interference in the prosecution evidence by pressurising witnesses.

6. Perusal of the record indicates that there is allegation against the Appellant in the First Information Report that he called father of deceased to spot and asked him to call deceased there. There is CCTV transcript and video of the incident indicating presence of Appellant at the spot and statements of witnesses confirm Appellant calling father of deceased to spot. However, question arises as to whether this evidence is sufficient to accept his involvement in murder.

7. It is sought to be argued by learned APP that there is statement of witness indicating that two wooden logs were brought on the spot. However, statement of said witness does not indicate as to who has brought the said wooden logs. Thus, said logs cannot be attributed to the Appellant. In any case, said witness states about intimating the father of the victim not to call the victim on the spot, however, the father of the victim insisted for calling him and accordingly called him. This shows that there was no premeditation or knowledge on the part of the Appellant about deceased being murdered.

8. The CCTV footage and transcript shows that the co-accused all of a sudden went towards the building and brought knife and without any instigation by anyone, caused assault on the deceased. Even though it is a fact that co-accused is son of Appellant, there is no evidence in order to show that the Appellant has committed any overt act or that he has instigated the co-accused to kill the deceased.

9. In order to accept the allegations against the Appellant that he is involved in the commission of murder, there has to be some overt act committed by him or atleast instigation on his part of the co-

accused to commit assault. Prima facie, such evidence is absent. Now, admittedly, charge-sheet has been filed on conclusion of investigation. There is no likelihood of completion of trial owing to the pendency before the Trial Court. Appellant in absence of prima facie evidence to show his involvement in murder, cannot be kept in jail, as pre-trial sentence.

10. In view of above, Appellant has made out a case for grant of bail. Hence, the following order :-

ORDER

(i) Appellant be released on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount in connection with Crime No. 188/2026 registered with Paithan Police Station, District Chhatrapati Sambhajinagar Rural, for the offences punishable under Sections 103(1), 49, 54, 55, 60(a) of Bharatiya Nyaya Sanhita and Sections 3(v), 3(1)(r), 3(1)(s), 3(1)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

(ii) He shall attend the concerned police station once in a week for a period of six months from today.

(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 cooperate the investigating agency for further investigation.

(vi) Learned APP to communicate this order to the concerned Investigating Officer.

(R. M. JOSHI, J.)

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