IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

20 CRIMINAL APPEAL NO. 835 OF 2026

Dhiraj Trimbak Yede
VERSUS
The State Of Maharashtra And Another
...
Advocate for Appellant : Mr. Bora Satyajit S.
APP for Respondents-State : Mr. S. S. Dande
Advocate for Respondent No.2 : Mr. P. P. Shahane (Appointed through Legal Aid) and Ms. P. K. Apache (Appointed through Court)
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
Dated : November 25, 2026

PER COURT :-

1. By the present appeal, the appellant seeks his release on bail in connection with Crime No.225 of 2026 registered with Neknoor Police Station on 02.06.2026 for the offences punishable under Sections 103(1), 3(5) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The FIR came to be registered on the basis of the complaint lodged by respondent No.2/informant. The appellant came to be arrested on 05.06.2026. After completion of investigation and filing of charge-sheet, the appellant approached the learned Special Judge, Beed, by filing an application below Exhibit 8 in Special Case No.203 of 2026 seeking bail. The said application having been rejected, the appellant has preferred the present appeal.

3. Heard learned counsel Mr. S. S. Bora for the appellant, learned APP Mr. S. S. Dande for respondent-State and learned counsel Mr. P. P. Shahane and Ms. P. K. Apache, appointed to represent respondent No.2.

4. Learned counsel for the appellant submits that the case of the prosecution is based on circumstantial evidence. He submits that the only incriminating material collected against the appellant is the supplementary statement of the mother of the deceased. Inviting my attention to the charge-sheet, learned counsel submits that the statement of the mother of the deceased was initially recorded on 08.06.2026, wherein she had not stated anything against the present appellant. However, subsequently, her supplementary statement came to be recorded on 11.06.2026, wherein she implicated the present appellant in the crime. According to learned counsel, the name of the appellant was introduced for the first time in the supplementary statement, recorded after a delay of three days. He further submits that there is no other direct or circumstantial evidence connecting the appellant with the commission of the alleged offence. The investigation is complete and the charge-sheet has already been filed. Therefore, further custodial detention of the appellant is not warranted. On these grounds, learned counsel seeks release of the appellant on bail.

5. Per contra, learned APP and learned counsel appointed to represent respondent No.2 strongly oppose the appeal. They submit that the mother of the deceased has specifically stated in her supplementary statement that she had seen the deceased in the company of the present appellant. According to them, the said circumstance establishes the last seen theory and the material collected during investigation is sufficient to connect the appellant with the commission of the crime. They further apprehend that, if released on bail, the appellant may abscond, avoid attending the trial and tamper with the prosecution evidence. Hence, they pray for dismissal of the appeal.

6. I have considered the submissions advanced by the learned counsel for the appellant, learned APP for the State and learned counsel appointed to represent respondent No.2. I have also perused the charge-sheet and the material collected during investigation.

7. The case of the prosecution is primarily based on circumstantial evidence. On perusal of the charge-sheet, it appears that the statement of the mother of the deceased was initially recorded on 08.06.2026. In the said statement, she had not attributed any role to the present appellant nor had she stated that the deceased was last seen in his company. However, her supplementary statement came to be recorded on 11.06.2026,

wherein, for the first time, the name of the present appellant came to be disclosed.

8. Thus, the implication of the appellant is primarily on the basis of the supplementary statement of the mother of the deceased. At this stage, the circumstance of the deceased being last seen in the company of the appellant, particularly in view of the omission in the earlier statement, would require due consideration during the course of trial. The evidentiary value of the said circumstance and its effect on the prosecution case are matters to be examined at the appropriate stage.

9. It is not in dispute that the investigation is complete and the charge-sheet has already been filed. The appellant has been arrested in connection with the present crime and is in custody. Considering the nature of the material collected against him, the fact that the prosecution case rests upon circumstantial evidence and the circumstances discussed hereinabove, I am of the prima facie view that the appellant has made out a case for grant of bail. The apprehension expressed by the prosecution regarding absconding or tampering with the evidence can be taken care of by imposing appropriate conditions.

10. In view of the aforesaid circumstances, the appeal deserves to

be allowed. Hence, the following order:

ORDER

I. The appeal is allowed.

II. The appellant, namely Dhiraj Trimbak Yede, be released on bail in connection with Crime No.225 of 2026 registered with Neknoor Police Station for the offences punishable under Sections 103(1), 3(5) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on executing a P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount, subject to the following conditions:

(a) The appellant shall regularly attend the proceedings before the Trial Court on every effective date unless specifically exempted by the Trial Court.

(b) The appellant shall not tamper with the prosecution evidence in any manner.

(c) The appellant shall not directly or indirectly induce, threaten or promise any person acquainted with the facts of the case so as to prevent such person from disclosing the facts to the Court.

(d) The appellant shall furnish his permanent residential address and mobile number to the Investigating Officer and shall intimate any change therein.

(e) In the event of breach of any of the aforesaid conditions, it shall be open for the prosecution or respondent No.2 to seek cancellation of bail before the competent Court.

III. Learned counsel Mr. P. P. Shahane (appointed through Legal Aid) and learned counsel Ms. P. K. Apache (appointed by this Court), appearing for respondent No.2, have rendered able assistance to the Court. Their fees are quantified at Rs.5,000/- (Rupees Five Thousand only) each.

IV. Needless to state that the observations made herein are *prima facie* in nature and confined to the adjudication of the present appeal. The Trial Court shall not be influenced by any of the observations made in this order while deciding the case on its own merits.

(SIDDHESHWAR S.THOMBRE, J.)

vj gawade/-.