



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 CRIMINAL APPEAL NO. 53 OF 2026

AMBADAS PRAKASH BIRADAR

....Appellant

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondents

Mr. Ajinkya Reddy, Advocate for the Appellant

Mr. Swapnil D. Gawale, Advocate for the Respondent No. 2

Mr. V. M. Chate, APP for the Respondent/State

CORAM : ABHAY J. MANTRI, J.

DATE : 22nd APRIL, 2026

PER COURT :

1. The Appellant has filed this Appeal for releasing him on bail in connection with the Crime No. 558/2025 registered with the Udgir Rural Police Station, Dist. Latur, on 06-09-2025, for commission of the offences punishable under Sections 103(1), 3(5) of the Bhartiya Nyaya Sanhita (for short, '**BNS**') and Sections 3(2) (5) of the Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act (for short '**SC & ST Act**').

2. Heard the learned Advocate for the Appellant, learned Advocate for Respondent No. 2 and learned APP for the State.

3. Perused the Appeal memo and copy of the charge-sheet.

4. At the outset, it appears that on 06-09-2025, the informant, brother of the deceased, lodged the report alleging that on account of an illicit relationship, the accused Sunita and the present Appellant committed the murder of the deceased. Based on the said report, the offence came to be registered as stated above.

5. Pursuant to the registration of the offence, the Appellant had filed a bail Application below Exh. 18 in Special Case (Atro) No. 59/2025. The learned Additional Sessions Judge, Udgir, after considering the material on record, has rejected the bail Application by order dated 17-12-2025. Being dissatisfied with the same, the Appellant has preferred this Appeal.

6. The learned APP has failed to show the complete chain of circumstances to indicate that the Appellant was involved in the present crime. Mere allegation in the FIR; no material has been pointed out from the charge sheet by the learned APP or Respondent No. 2 to connect the Appellant with the present crime.

7. The learned Advocate for the Respondent No. 2 argue that the accused had also beaten the deceased earlier on account of an illicit relationship between Sunita and the deceased. Therefore, the Appellant had a motive to commit a crime. However, prima facie, he failed to demonstrate the same from the statements of any witnesses. Therefore, I do not find substance in his argument in that

regard.

8. Having heard the rival contention of the parties and perusal of the charge sheet, at the outset, it appears that the investigation is completed, and based on the circumstantial evidence, a charge sheet has been filed in the court. It is a settled principle of law that, where a case is based on circumstantial evidence, the prosecution must establish a complete chain of evidence to establish the accused's guilt beyond a reasonable doubt. Moreover, nothing has been recovered from the possession of the Appellant. No incriminating material was brought on record or produced before the court, along with the charge sheet, to prima facie establish the complete chain of circumstantial evidence connecting the Appellant to the present crime.

9. Apart from that, the investigation is completed, and the charge-sheet is filed. Therefore, in my opinion, though the offence is of a serious nature, in my view, in the absence of prima facie material to connect the Appellant with the present crime, it would not be appropriate to detain the Appellant behind bars. However, to dispel the apprehension of the prosecution, the stringent conditions can be imposed while releasing the Appellant on bail.

10. As a result, **the Criminal Appeal is allowed in terms of the prayer clause A and B.**

11. The Appellant be released on bail in connection with Crime bearing No. 558/2025 registered with the Udgir Rural Police Station, Dist. Latur for commission of the offences punishable under Sections 103(1), 3(5) of the BNS and Sections 3(2)(5) of the Atrocity Act on furnishing PB and SB of Rs. 1 lakh [Rupees One Lakh only] with one or two solvent sureties in the like amount, on the following terms and conditions:

- i] The Appellant shall not tamper with the prosecution evidence in any manner till the conclusion of the trial.
- ii] The Appellant shall not leave India without prior permission of the court till the conclusion of the trial.
- iii] The Appellant shall furnish the contact details and residential address to the I. O./Police Station and the concerned Court, and shall keep the information updated, in case of any change.
- vi] Bail before the trial court.

[ABHAY J. MANTRI, J.]