



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 CRIMINAL APPEAL NO. 228 OF 2026

SANTOSH SHAHADEV KADAM

....Appellant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. V. D. Hon, Senior Advocate i/b Mr. V. B. Anjanwatikar, Advocate
for the Appellant

Mr. V. S. Badakh, APP for the respondents/State

Mrs. Pramila Giri, Advocate for the Respondent No. 2 [appointed]

CORAM : ABHAY J. MANTRI, J.

DATE : 07th MAY, 2026

PER COURT :

1. The Appellant being dissatisfied with the order dated 01-04-2026 passed by the learned Special Judge [SC & ST Act], Aurangabad in Bail Application No. 568/2026, thereby rejected the bail Application in connection with Crime No.140 of 2026, registered with 'CIDCO' Police Station, Chhatrapati Sambhajnagar for the offences punishable under Sections 103(1), 80, 115(2), 352, 3(3) of the Bhartiya Nyaya Sanhita [for short '*the BNS Act*'] and Sections 3(1),(r) & (s) of the Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act [for short '*the Atrocities Act*'] has preferred this Appeal for grant of bail.

2. Heard the learned Senior Advocate Mr. Hon, for the Appellant, learned APP Mr. Badakh for the State and Mrs. Giri, learned Advocate for the Respondent No. 2 and perused the Appeal memo, record and police papers.

3. Learned senior Advocate for the Appellant contended that the Appellant Santosh has no concern with the alleged incident. However, he has been falsely implicated in the present crime, as he is a cousin brother of the accused No. 1, Ashok. There are no specific allegations against him. But the allegations are vague. On those grounds, the Appellant is entitled to bail.

4. He further submitted that the Appellant is working in the private company, namely 'Taiyo Kagaku India Pvt. Ltd.' MIDC, Waluj, Chhatrapati Sambhajnagar. At the time of the alleged incident, the Appellant was on duty, and he drew my attention to the employee's gate pass of the said company, which states that at 03.00 am he left the company. Pursuant to the registration of the FIR, the Appellant was arrested on 15-03-2026 and is presently in jail. Therefore, the company has issued a show-cause notice to the Appellant, asking the Appellant to resume duty. Tomorrow, the company has scheduled a meeting to take action. As such, he urged for his release on bail.

5. Learned APP and learned Advocate for the Respondent No.2 opposed the Appeal/bail on the ground that the Appellant has induced the Accused No. 1 to demand the dowry to purchase the tourist vehicle from his in-laws, and therefore, they have contended that the Appellant is involved in the present crime. Learned APP further submitted that in the provisional postmortem report, the Doctor opined that the deceased died due to “*ligature compression of neck*” and therefore, the offence under Section 103 (1) of the BNS is added in the present crime. The said provisional postmortem report indicates that the deceased did not commit suicide, but she was murdered. He has also taken me through the statements of the mother, father, sister, and the landlady of the Ashok, and statements recorded under Section 183 of the BNSS, and submitted that the offence is serious. An investigation is ongoing. Therefore, they urged the rejection of the Appeal.

6. Having considered the rival submissions of the learned Advocate for the parties and having gone through the police papers at the outset, it appears that at 01.00 am on 14-03-2026, the incident occurred. Therefore, the mother of the deceased lodged the report to the police station on 15-03-2026, alleging that all the accused persons subjected her daughter to cruelty on account of the demand for dowry.

They also abetted her to commit suicide. Based on the report, the offence was registered.

7. Pursuant to the registration of the offence, the police arrested the Appellant on 15-03-2026. Therefore, the Appellant has moved a bail application before the learned Special Court, and the learned Special Judge [SC & ST Act], who rejected the Application vide order dated 01-04-2026. Hence, the Appellant has preferred this Appeal.

8. In the FIR, the only allegations against the Appellant are that he induced the Accused Ashok to demand money from his in-laws to purchase the tourist vehicle, except that no other allegations appear against him. However, in the statement of the informant recorded under Section 183 of the BNSS, the mother of the deceased has not stated the said fact but vaguely stated that he has also used to harass the deceased on account of the demand of dowry. The sister of the deceased, in her statement recorded under Section 183 of the BNSS, did not make any allegations against the Appellant. But only alleged that the accused Ashok and his family members were harassing the deceased for the demand of dowry.

9. It further prima facie reveals that at the time of the incident, the Appellant was on duty in the company. It does not appear

from the FIR or the statements of the witnesses that, soon before the death of the deceased, she was subjected to cruelty or harassment by the Appellant to attract the ingredients of Sections 80 and 103 of the BNS Act. Nor are there allegations against the Appellant that he was present on the spot at the time of the occurrence of the incident or that he was involved in committing the crime at that time. Therefore, in my view, prima facie, the ingredients of Sections 80 and 103 of the BNS Act are not attracted against the Appellant.

10. Apart from that, there are no criminal antecedents against the Appellant. The Appellant has been in jail since 15-03-2026. Thus, though the offence is of a serious nature, in my view, in the absence of prima facie material, it would not be appropriate to detain the Appellant behind bars as the Trial will take its own time. However, to dispel the apprehension of the prosecution, stringent conditions can be imposed on the Appellant while releasing him on bail.

11. As a result, this **Criminal Appeal is allowed as prayed.**

12. Accordingly, the Appellant be released on bail in connection with Crime No.140 of 2026, registered with CIDCO Police Station, Chhatrapati Sambhajinagar for the offences punishable under Sections 103(1), 80, 115(2), 352, 3(3) of the Bhartiya Nyaya Sanhita and Sections 3(1) (r) & (s) of the Scheduled Castes and

Scheduled Tribes [Prevention of Atrocities] 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.

[ABHAY J. MANTRI, J.]