

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 956 OF 2025

ROHAN ALIAS CHOTYA RAJU JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. Pratik G. Tare h/f.

Ms. Pratiksha Chougule and Mr. S. Y. Mane

APP for Respondent No.1 : Mr. P. P. Deokar

Advocate for Respondent No.2: Ms.Pratiksha Chougule (appointed)

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 07-05-2026

PER COURT:-

1. The appellant seeks regular bail in C.R.No.143 of 2024 registered with Ichalkaranji Police Station, District Kolhapur, for the offences punishable under Sections 302 and 120B read with Section 34 of the Indian Penal Code and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "Act of 1989").

2. The prosecution alleges that the deceased, Rohit, was murdered in a premeditated attack at Dr. Babasaheb Ambedkar Ground between 8.30 p.m. and 9.30 p.m. The motive stems from a dispute involving a motorcycle loan; the co-accused, Rahul, had purchased a bike in Rohit's name but defaulted on payments, leading to bank recovery actions and a prior confrontation where

Rahul and his brother, Sandesh, issued death threats. On the night of the incident, after a co-accused called Rohit's phone to locate him, the accused, Rahul, Sandesh Patharvat, and Natha @ Shankar), intercepted and brutally assaulted him with knives. Rohit suffered fatal injuries to his neck and arm, including a broken blade lodged in his limb, and was declared dead on arrival at IGM Hospital.

3. The appellant was arrested on 01.04.2024 and is in judicial custody based primarily on an alleged confessional statement of the co-accused. Following the completion of the investigation and the filing of the chargesheet, the appellant sought bail before the Special Judge (Atrocity Act), Ichalkaranji. On 15.10.2025, the Special Judge rejected the bail application. Consequently, this Criminal Appeal is filed before this Court.

4. The learned counsel for the appellant submits that the Appellant has been falsely implicated in the present crime. The case against appellant is based primarily on an alleged confessional statement and weak circumstantial evidence. The provisions of the Atrocities Act were applied solely due to the caste of the deceased, rather than any specific criminal act by the Appellant. The appellant was arrested on 01.04.2024. Given that the investigation is complete and the chargesheet has been filed,

his continued incarceration is unjustified and serves no further investigative purpose.

5. The learned APP for the State and learned counsel for respondent No. 2 have strongly opposed the application, submitting that the appellant, in collusion with the co-accused, committed a brutal murder stemming from a prior dispute regarding loan availed for purchase of two wheeler. They contended that incriminating mobile footage exists, which clearly indicates pre-planning and a common intention among the accused to execute the crime. Furthermore, since the deceased belonged to the SC/ST community, the offense is of an exceptionally serious nature. The prosecution expressed an apprehension that if the appellant is released on bail, he is likely to threaten or influence the prosecution witnesses, thereby necessitating his continued incarceration.

6. Upon hearing the submissions and perusing the record, it appears *prima facie* that the case against the appellant is based on circumstantial evidence, primarily consisting of a co-accused's statement to the police and an alleged extra-judicial confession. Such evidence cannot be the sole basis for withholding the appellant's liberty, particularly in the absence of other substantive material directly linking present applicant to overt act of murder.

7. The court must also consider whether the provisions of the the Act of 1989 are strictly applicable. The primary object of the Act of 1989 is to prevent indignities and crimes committed against members of oppressed communities specifically because of their caste identity. In the present case, the FIR suggests the dispute originated from a motorcycle loan. Where the material fails to satisfy the specific 'intent' or 'motive' to humiliate based on caste, the mere fact that the victim belongs to a Scheduled Caste or Tribe does not axiomatically bring the offense within the ambit of the Act.

8. The investigation is completed and the chargesheet has been filed. The appellant has already undergone more than two years of incarceration. Given the number of witnesses, the trial is unlikely to conclude in the near future. Prolonged detention under such circumstances, would amount to pre-trial punishment, which is neither warranted nor justified.

9. In view of the aforesaid observations, I am inclined to exercise discretion in favour of the appellant. As far as the apprehension expressed by the APP is concerned, same can be taken care of by imposing stringent conditions.

10. Hence, the following order:-

ORDER

- (i) The criminal appeal is allowed.
- (ii) The appellant, Rohan @ Chotya Raju Jadhav, be released on bail, in connection with C.R.No.143 of 2024 registered with Ichalkaranji Police Station, District Kolhapur, for the offences punishable under Sections 302 and 120B read with Section 34 of the Indian Penal Code and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount, on the conditions that;
 - (a) The appellant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The appellant shall attend the trial on each and every date unless exempted by the trial Court.
 - (c) The appellant shall attend the concerned police station as and when called by the Investigating Officer in writing.
 - (d) The appellant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.
 - (e) In case of breach of any of the conditions by the appellant, it is open for the Prosecution to move this Court seeking cancellation of bail.

- (iv) Needless to state that the observations rendered herein are to the extent of this appeal and the trial Court shall not be influenced by the same.
- (v) The Secretary, High Court Legal Services Committee, Circuit Bench at Kolhapur, to pay the fees to the learned counsel appointed for respondent No.2, in accordance with rules.

[SACHIN S. DESHMUKH]
JUDGE

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