

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

CRIMINAL APPEAL NO. 2 OF 2026

AJAY SAUDAGAR KADAM
VERSUS
THE STATE OF MAHARASHTRA, THROUGH SOLAPUR
TALUKA - POLICE STATION

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Advocate for Appellant : Mr. Ritesh Thobde a/w Adv.Mervin
Bardeskar, Mr. Changdev Shingade, Mr. Darshan Singh Rajpurohit
APP for Respondent No.1 : Mr. Nitin B. Patil
Advocate for Respondent No.2 : Ms. Supriya Koregave (appointed)
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 06-05-2026

PER COURT:-

1. The appellant seeks quashing and setting aside the order rendered by the learned Special Judge (Atrocity Act), Solapur, rejecting the application Exhibit-7 for regular bail in Special Case No. 232 of 2024, dated 17.11.2025.
2. The appellant is arraigned as accused in C.R.No.247 of 2024 registered with Solapur Taluka Police Station, District Solapur, for the offences punishable under Sections 302, 201 of the Indian Penal Code and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. The first information report contains allegations that the

deceased was a labourer and had been working on a farm owned by Popat Machhindra Sathe for about a month. On 23.04.2024, the deceased left home early in the morning, stating that he was proceeding to Pune for work, however, later found dead on 02.05.2024, near a road between Akolekati and Bibe Darphal. The decomposed body of the deceased was found in a field with clothes and personal belonging scattered nereby. A large blood stained stone was found at the scene alongwith other evidence. The informant suspected that the deceased deceased was murdered by his friend on account of monetary transaction of Rs.50,000/-. Hence, the informed lodged report on 18.05.2024.

4. The appellant was arrested on 19.05.2024 and at present in judicial custody. The investigation is completed and the chargesheet is filed. After filing the chargesheet, the appellant had preferred application for bail before the court of Special Judge (Atrocity Act), Solapur. The learned Special Judge rejected the application vide order under challenge. Hence, the appeal.

5. The learned counsel for the appellant submits that the appellant is innocent. Hence, the report is totally false. The entire case of the prosecution is based on circumstantial evidence. The prosecution has no *prima facie* evidence to establish a chain of circumstances. The appellant is arrested only on the basis of

suspicion. The FIR itself discloses that the complainant has only suspected the involvement of the appellant on account of an alleged monetary transaction of Rs.50,000/- at a belated juncture. The dead body of the deceased was found in a highly decomposed condition and the identification of the deceased was allegedly made only on the basis of articles and personal belongings. Thus, identification of the deceased remains doubtful and the cause of death is not clearly established. Hence, prayed to allow the application.

6. The learned A.P.P. for the State and the learned counsel for respondent No.2 have opposed the appeal and the submitted that the nature of the offence is very serious. The punishment for the alleged offence is the imprisonment for life or death penalty. The evidence collected is *prima facie* indicating that the involvement of the appellant in the commission of the offence. Hence, prayed to dismiss the appeal.

7. Having heard the submissions and perusal of the record *prima facie* indicates that the Appellant is primarily implicated based on circumstantial evidence related to alleged previous monetary transactions and demands for payment. Further, the recovered body was found in an advanced state of decomposition, rendering it almost beyond identification and leaving the exact

cause of death unknown.

8. Consequently, a *prima facie* case for the application of murder provisions under Section 302 of the IPC is not made out. Much less in absence of evidence to establish a chain of seamless circumstances. Since the investigation is complete and the charge sheet has been filed, further custodial interrogation is not required. The applicant has been in continuous custody since his arrest on 19.05.2024, spanning nearly two years, and given the current progress, the trial is likely to take a considerable period to conclude. Prolonging the applicant's incarceration under these circumstances would amount to punitive pre-trial detention, which is not unwarranted. Therefore, I am persuaded to admit the applicant to bail.

9. Hence, the following order:-

ORDER

- (i) The criminal appeal is allowed.
- (ii) The order rendered by the learned Special Judge (Atrocity Act), Solapur, rejecting the application Exhibit-7 for regular bail in Special Case No. 232 of 2024, dated 17.11.2025, stands quashed and set aside.

- (iii) The appellant, Ajay Saudagar Kadam, be released on bail, in connection with C.R.No.247 of 2024 registered with Solapur Taluka Police Station, District Solapur, for the offences punishable under Sections 302, 201 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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