IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.834 OF 2026

Rahul Ashok Shelake … Appellant
Vs.
The State of Maharashtra & Anr. … Respondents

Mr. Akshay Bankapur for the Appellant.
Mr. Y. Y. Dabake, APP for Respondent No.1-State.
Ms. Sonam Pandey, appointed advocate for Respondent No.2.
API Shantaram Mahajan, Mhasrul PS, Nashik City is present.

CORAM : N.R. BORKAR, J.
DATE : 09TH OCTOBER 2026

P.C. :

1. This Appeal under Section 14-A of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 takes exception to the order dated 24th April 2026 passed by the Learned Additional Sessions Judge, Nashik below Exhibit 27 in Special Atrocity Case No.167 of 2025.

2. By the impugned order, the Learned Additional Sessions Judge has rejected the application for regular bail filed by the present Appellant, who came to be arrested in Crime No.65 of 2025 registered at Mhasrul Police Station for the offences punishable under Sections 140(1), 103(1), 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “SC & ST Act”).

3. The Appellant is Accused No.4 in the aforesaid crime. According to the prosecution, the deceased and the wife of Accused No.1 were in

relationship. It is alleged that Accused No.1 along with other accused including the present Appellant, who is the friend of Accused No.1 thus entered into conspiracy and committed the murder of the deceased.

4. I have heard Learned Counsel for the Appellant, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2.

5. Learned Counsel for the Appellant submits that the Appellant has nothing to do with the alleged crime. It is submitted that the case is based on circumstantial evidence. It is submitted that the motive for the alleged crime is attributed to Accused No.1. It is further submitted that Accused No.1 and other co-accused came to be released on default bail. It is submitted that the Appellant is in jail since 17th March 2025 and the trial is not likely to be concluded in near future as it is at the stage of framing of charge.

6. On the other hand, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2 submit that the Appellant is involved in the serious crime of murder. It is submitted that there are enough incriminating material against the appellant to connect him with the alleged crime. It is submitted that the Appellant can not seek parity as Accused No.1 and other co-accused are released on default bail. It is submitted that considering the nature of crime, the Appellant may not be released on bail.

7. I have perused the chargesheet. The case is based on circumstantial evidence. Admittedly, the motive for alleged crime is attributed to Accused

No.1. It is not disputed that there are no other criminal antecedents against the present Appellant. Considering the overall facts and circumstances, I am inclined to release the Appellant on bail, subject to certain conditions. Hence, the following order:-

ORDER

i. The Criminal Appeal is allowed.

ii. The impugned order is set aside.

iii. The Appellant be released on bail in Crime No.65 of 2025 registered at Mhasrul Police Station for the offences punishable under Sections 140(1), 103(1), 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

iv. The Appellant shall not tamper with the prosecution evidence.

v. The Appellant shall attend the concerned police station once in a month, i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

8. The Criminal Appeal is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)