



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO.546/2024

Sau. Anchal Gaikwad @ Anchal Malli
W/o Narayan Gaikwad @ Gurjitsingh
Malli, aged about 20 Yrs., Occu. Housewife,
R/o C/o Vikas Ganvir, Ward No.5, Urja
Nagar, Durgapur, Tq. & District Chandrapur,
(presently at District Prison, Chandrapur). ... Appellant

- Versus -

1. State of Maharashtra,
through Police Station Officer,
P.S. Durgapur, Tahsil & District
Chandrapur.
2. Ku. Prakruti Vikas Ganvir,
aged about 23 Yrs., Occu. Education,
R/o Kondiward No.5, Urja Nagar,
Durgapur, Tq. & District Chandrapur
(Informant). ... Respondents

Mr. A.M. Chandekar, Advocate for the Appellant.
Ms. Sneha Dhote, A.P.P. for the Respondent No.1/State.
Mr. Kirti Deshpande, Advocate (appointed) for the Respondent No.2.

CORAM: NEERAJ P. DHOTE, J.
DATED : 27.01.2026.

ORAL JUDGMENT

Heard the learned Advocate for the Appellant, learned
A.P.P. for the Respondent No.1/State and learned Advocate for
the Respondent No.2/Victim.

2. **Admit.**

3. By consent of parties heard finally.

4. This is an Appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “SCST Act”) as the regular bail application preferred by the Appellant before the learned trial Court came to be rejected on 21.04.2023 in Special (Atrocity) Case No.46/2023.

5. It is submitted by the learned Advocate for the Appellant that, the only evidence against the Appellant is that of telephonic conversation which was a conference call. The Appellant is suffering from the H.I.V. There is delay in trial as only one witness is examined in last four months. He submits that on these grounds, the Appeal be allowed.

6. The learned A.P.P. and learned Advocate for the Respondent No.2 submit that, the telephonic conversation shows that the Appellant instigated the co-accused to commit murder of deceased Vikas. The medical report on record shows that the Appellant is medically fit. The report of the learned trial Court shows that, the trial could not proceed since the Appellant has not engaged Advocate of his choice for a considerable period. They submit that, the co-accused who had preferred the Appeal against the rejection of the application has withdrawn the Appeal before this Court. They submit that, considering the role attributed to the Appellant, the Appeal be rejected.

7. Perused the papers available on record. The case of the prosecution is that, the deceased was father of the First Informant. The Informant is the sister of the girl with whom the co-accused Prathamesh was acquainted with. Due to the said acquaintance the quarrel had taken place between co-accused Prathamesh and Informant's father. The Informant's father was found dead in the premises of Gram-Panchayat. Undisputedly, the only material against the Appellant is that, of telephonic conversation with the co-accused. The transcript of the same shows that, the Appellant stated that, she was behind the co-accused. Except this, admittedly, there is no other material to connect the Appellant with the crime. The Appellant is a lady and suffering from the H.I.V. The copy of the medical report shows that, the Appellant is advised regular Antiretroviral Therapy (ART) and follow up. The Appellant is behind bars from 01.03.2023. The Appellant is ready to co-operate with the learned trial Court in early disposal of the case. Considering these aspects of the matter, in my view, the Appellant can be enlarged on bail by imposing appropriate conditions. Hence, the order.

ORDER

i) The impugned order dated 21.04.2023 passed by the learned Additional Sessions Judge, Chandrapur below Exh.22 in Special (Atrocity) Case No.46/2023 is quashed and set aside.

- ii) The Appellant be released on bail on executing P.R. bond of Rs.25,000/- with one surety in the like amount.
- iii) The Appellant shall attend the proceedings before the learned Sessions Court and shall co-operate in the early disposal of the matter.
- iv) The Appellant shall not in any way tamper with the prosecution evidence.
- v] The fees of the learned Advocate appointed for the Respondent No.2 is quantified at Rs.10,000/-. Same be paid accordingly by the High Court Legal Services Authority.
- vi) The appeal is allowed in the above terms and disposed of.

(NEERAJ P. DHOTE, J.)