



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH AT NAGPUR**

CRIMINAL APPEAL NO. 310 OF 2025

Sopan Sanjay Lilhare,
Aged about-24 years,
Occu-Labourer,
R/o. Bhosa naka, Yavatmal,
Tq.-Yavatmal, Dist-Yavatmal

... Appellant

.. Versus ..

1) State of Maharashtra,
Through Police Station Officer,
Awdhootwadi, Yavatmal,
Tq-Yavatmal, Dist-Yavatmal

2) Sangita Satish Kaithwas,
Aged about – 52 years,
Occu- Housewife,
R/o Indira nagar, Bhosa naka,
Yavatmal, Tq-Yavatmal,
Dist-Yavatmal

...Respondents

Shri A.S.Mardikar, Sr. Advocate a/b. Shri D.P. Singh, Advocate
for Appellant.

Shri B.M.Lonare, APP for Respondent/State.

Shri M.P.Kariya, Advocate for Respondent no. 2.

CORAM : NEERAJ P. DHOTE, J.

DATE OF RESERVING THE JUDGMENT : 30/01/2026

DATE OF PRONOUNCING THE JUDGMENT: 03/02/2026

JUDGMENT

This Criminal Appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SC & ST Act') is against the order dated 12/03/2025 passed below Exh. 140 by the learned Additional Sessions Judge, Yavatmal in Sessions Case No. 96/2023, rejecting the regular bail application of the Appellant, who is charge-sheeted for the offences punishable under Sections 302, 120(B), 201, 34 of the Indian Penal Code (for short, 'I.P.C.'), Section 3 r/w. Section 25 of the Indian Arms Act and Sections 3(2)(Va), 3(2)(V) of the SC & ST Act and Section 39 of the Maharashtra Money Lending Act.

2. The case of the prosecution as seen from the final report is that, out of the money lending transactions between the mother of deceased Akshay Kaithwas and the co-accused Laxmi @ Hasina Lilhare, the accused persons committed the murder of informant's son on 10/06/2023.

3. It submitted by the learned Senior Advocate for the Appellant that, though the statements of the witnesses were recorded during the course of investigation, their statements do

not show that, they are actually the witnesses to the incident. Secondly, the grounds of arrest were not communicated to the Appellant. Thirdly, there is delay in the trial, as for about 103 times, the Appellant was not produced before the Court, and on 24 dates, the learned Trial Court was not available, and till date, the charge is not framed. He urged that, the Appeal be allowed.

4. The Appeal is opposed by the learned APP for the State and the learned Advocate for Respondent no. 2 – informant. They submitted that, the incident is captured in the CCTV camera, of which footages were secured, which shows the active role of the Appellant in the commission of crime. They submitted that, considering the nature of the evidence, the Appeal be dismissed.

5. Though the ground of non-communication of the reasons was raised at the time of first hearing of the Appeal, on the subsequent date, the said ground was not pressed in the light of the decision of the learned Single Bench of this Court dated 12/12/2025 in the group of bail applications (BA No.199/2025 and 6 other BA's), which was argued by the learned Senior Advocate.

6. Perusal of the final report shows that, the criminal proceedings were set in motion by lodging a report on 11/06/2023 with Awdhutwadi Police Station, District Yavatmal in respect of the murder of the deceased. During the course of investigation, the investigating machinery seized the footage of CCTV camera at the place of incident. The CCTV camera captured the incident. A memorandum/panchanama (transcript) of the said CCTV footage was prepared. The CCTV footage shows that, the Appellant and the co-accused came to the spot of the incident in a four-wheeler where the deceased was sitting on a chair, and dashed the said vehicle to the deceased. The Appellant came out with an iron rod and assaulted the deceased with an iron rod and further the Appellant followed the deceased when the deceased ran to save himself. It further shows that, the Appellant caught hold of the deceased, and the co-accused fired from the firearm on the deceased. During the course of the investigation, ash of the burnt clothes of the Appellant were seized at the instance of the Appellant. This material in the charge-sheet shows a strong *prima facie* case against the Appellant.

7. As regards the ground of delay in trial is concerned, the learned Senior Advocate for the Appellant relied on the decision of the Hon'ble Apex Court in the case of the ***Union of India V/s. K.A. Najeer*** reported in (2021) 3 SCC 713, wherein the aspect of speedy trial is considered and it is observed that,

“once it is obvious that, a timely trial would not be possible and the accused has suffered incarceration for a significant period of time, the courts would ordinarily be obligated to enlarge them on bail”.

8. Undisputedly, the offence of murder under which the charge-sheet is filed, attracts the minimum punishment of imprisonment for life. In the case at hand, the Appellant is arrested on 11/06/2023. Perusal of the copies of Roznama tendered across the bar by the learned Senior Advocate for the Appellant shows that, the application for discharge is pending and on 23/01/2026, say was filed by the informant/complainant on the discharge application and the stage of the case is shown as 'Hearing'. Perusal of the same shows that, the matter was kept by the learned Trial Court at short intervals. From the said Roznama, it appears that, there are 9 accused persons. It would thus be appropriate to request the learned Trial Court to expedite the proceedings in the Sessions case.

9. In view of the above discussions, in my view, the Appellant is not entitled for bail on merit, however, considering that, he is behind bar for a period of two (2) and half ($\frac{1}{2}$) years and the charge-sheet is filed, the learned Trial Court to expedite the matter. The Appeal stands **disposed of** accordingly.

[NEERAJ P. DHOTE, J.]

B.T.K.