



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

CRIMINAL APPEAL NO.462/2025

Maheshwar Shankarrao Sarode,
aged about 50 Yrs., Occu. Labour
Vendor, R/o Bidi Karkhana No.5,
R/o Goral, Tq.Morshi,Dist.Amravati ... Appellant

- Versus -

1. State of Maharashtra,
through Police Station Officer,
Police Station Walgaon, Amravati City,,
Tq. And dist.Amravati.
2. Sahil Ganesh Pandey,
Aged about 18 years,
Occup.Education , R/o orala ,
Tq.Morshi, Dist.Amravati.

Ms.Astha Sharma counsel h/f Mr.P.R.Agrawal, Advocate for
the appellant.

Ms.Sneha Dhote,A.P.P. for respondent No.1/State.

Ms.Varsha A.Warade, Advocate (appointed) for respondent
No.2

CORAM: NEERAJ P. DHOTE, J.

Dated 17/01/2026.

JUDGMENT

1) Heard.

2) **Admit.**

3) This is an Appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as the regular bail application of the appellant is rejected by the learned Additional Sessions judge, Amravati in Special Case No.143 of 2025 by the order dated 30/07/2025.

4) Heard the learned Advocate for the Appellant, the learned APP for the State and the learned appointed Advocate appearing for the respondent No.2-Victim. With their assistance I have gone through the documents on record.

5) The case of the prosecution is that, due to previous enmity, the Appellant committed murder of one deceased Ganesh Pande, on 16/03/2025. The body was found lying near Shirala-Devlali Road on the next day morning by the Police Patil and the identity of the dead body was confirmed from the son of the deceased by making phone call, on the phone number written in the diary, which was found on the person of the deceased. The son of the deceased lodged the report with the concerned Police Station on the next day i.e. on 17.03.2025. During the investigation, it was revealed that, the deceased was lastly seen with the Appellant before his death. The Appellant came to be arrested. His clothes came to be

seized under Section 27 of the Indian Evidence Act. The statement of the witnesses were recorded. On completion of the investigation, the Appellant came to charge sheeted.

6) Undisputedly, the crime is lodged on suspicion. The motive behind the crime as per prosecution is that the deceased used to take side of one Ganvir with whom the Appellant was on inimical terms. Suspicion, however, grave cannot take the place of proof.

7) One of the circumstance against the Appellant is that, the deceased was lastly seen with him. For this, the prosecution is relying on the CCTV footage collected from the work place of the deceased. The time of last seen together is at about 5.00 p.m. and the body was found on the next day morning. Secondly, the said material in the nature of CCTV footage shows that, the person with whom the deceased was accompanied, had covered his face. Therefore, the identity of the person with whom the deceased left to his work place is not clear.

8) The other circumstance against the Appellant is in the nature of discovery and seizure of the Appellant's clothes under Section 27 of the Evidence Act. Undisputedly, the CA reports are not on record to indicate that, the blood on the

clothes was that of the deceased. The CA report are awaited, though the charge-sheet is filed in June, 2025.

9) As per the post mortem report, the cause of death is 'Complications following neck and chest injuries'. Perusal of the post mortem report shows that, in column No.17 the nature of injury is referred as '*Laceraton over left side anterior aspect of neck and chest of size 28*20*10cm, reddish, margins are irregular, ante mortem, within 12-24 hrs. It is further notes that the area of adjacent to injury is bitten by wild animal; nature of original injury may be disfigured.*

10) Except the above, there is no evidence to connect the Appellant with the crime. Whether the above discussed material is sufficient to invite conviction is the matter of trial and appreciation of the evidence. The investigation is completed and the charge-sheet is filed. In this view of the matter, the Appellant can be released on bail by imposing appropriate conditions. Hence, the following order.

ORDER

- i) The Appeal is allowed.
- ii) The order passed in Special Case No.143 of 2025 by the learned Additional Sessions Judge, Amravati on 30/07/2025 is hereby quashed and set aside.

- iii) The Appellant be released on bail on furnishing PR. Bond of Rs.25,000/- [Rupees Twenty Five thousand only] with one surety in the like amount.
- iv) The Appellant shall not tamper with the prosecution evidence in any manner.
- v) The Appellant shall not enter the vicinity of the village, where the informant is residing until further orders.
- vi) Fees of the learned appointed Advocate for Respondent No.2 is quantified at Rs.7500/- (rupees seven thousand and five hundred only). The same be paid accordingly by the High Court Legal Services Authority.
- vii) Appeal stands disposed of.

(NEERAJ P. DHOTE, J.)

Kavita.