



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

CRIMINAL APPEAL NO. 550 OF 2025

Dipak S/o. Shaligram Dhole,
Aged about 23 years, Occ. - Agriculturist,
R/o. Ganeshpur, Tq. Khamgaon and
Dist. Buldhana.

... APPELLANT

...VERSUS...

1. State of Maharashtra,
Through P.S.O., Hiwarkhed,
Tq. Khamgaon and Dist. Buldhana.

2. Vitthal s/o. Dhondu Chavhan,
Aged about 44 years,
R/o. Hiwarkhed, Tq. Khamgaon,
Dist. Buldhana.

...RESPONDENTS

Mr. V. R. Deshpande., Advocate for Appellant.
Mr. U. R. Phasate, A.P.P. for Respondent/State.
Mr. Shoeb Khan, Advocate (Appointed) for Respondent No.2.

CORAM : **NEERAJ P. DHOTE, J.**
DATE : **14.01.2026.**

ORAL JUDGMENT :

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

2. **Admit.**

3. This is an Appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short hereinafter referred to as 'SC and ST Act') for regular bail in Crime No.216/2024 registered with Police Station, Hiwarkhed, District Buldhana for the offences punishable under Section 302, 201, 120-B read with Section 34 of the Indian Penal Code, 1860 (for short, 'IPC') and for the offences punishable under Sections 3(2)(v), 3(2)(va) of the SC and St Act.

4. The prosecution case as seen from the order dated 22.07.2025 passed by this Court in Criminal Appeal No.248/2025 preferred by the co-accused Atul Gangaram Kokare is as under. Paragraph No.4 of the said order is reproduced below :

"4. The crime is registered on the basis of report lodged by Vitthal Dhondur Chavhan, who is the Police Officer on an allegation that the missing report was filed by the wife of deceased Savita Nandu Dhandre on 18.10.2022. During inquiry of the said missing report, it revealed to him that there was an illicit relationship between the wife of brother of the Nandu Dhandre and the present appellant and another co-accused also had an illicit relationship with the said lady. This fact was known to the deceased Nandu Dhandre and on that count, he is eliminated by the present appellant and the other co-accused. Therefore, they were taken into custody. On the basis of the report, police have registered the crime against the present

appellant.”

5. The case is based on the circumstantial evidence. The circumstance against the Appellant is that, the skeleton of the deceased was discovered/recovered at the instance of this Appellant from the field of the co-accused Atul Gangaram Kokare, who has been granted bail by this Court by the above referred Order. From the papers on record, it is seen that, the role attributed to the present Appellant is for the offence punishable under Section 201 of the IPC (causing disappearance of evidence of offence). The co-accused Atul Gangaram Kokare at the instance of whom the weapon was discovered/recovered, has been granted bail by this Court in the above referred Appeal. This indicate that the Appellant stands on better footing than the said Appellant - Atul Gangaram Kokare, if not at least on the same footage. The investigation is over and the charge-sheet is filed. In this view of the matter, I proceed to pass the following order :

- (i) The Appeal is allowed.
- (ii) The Order passed by the learned Additional Sessions Judge, Khamgaon in Special Case No.02/2025 dated 09.09.2025, is hereby quashed and set aside.
- (iii) The Appellant Dipak s/o. Shaligram Dhoke be released on bail in connection with Crime No.216/2024 registered with Police Station Hiwarkhed, District

Buldhana, for the offence punishable under Sections 302, 201 and 120-B- read with Section 34 of the Indian Penal Code and under Sections 3(2)(v) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on executing PR bond of Rs.25,000/- with one solvent surety in the like amount.

- (iv) The Appellant shall not enter the village Ganeshpur, till culmination of the trial.
- (v) The Appellant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.
- (vi) The Appellant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (vii) The fees of the appointed Counsel be quantified as per rules.
- (viii) The Appeal stands disposed of.

(NEERAJ P. DHOTE, J.)