



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

CRIMINAL APPEAL NO. 51 OF 2026

Roshan Bhaiyaji Dandekar Vs. State of Maharashtra and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.R.M.Daga, Advocate for the Appellant.
Ms.S.S.Dhote, APP for the State.
Mr.Vyankat Subramaniam Advocate for the Respondent
No.2.

CORAM : NEERAJ P. DHOTE, J.

DATE : 26/02/2026

1) Heard the learned Advocate appearing for the Appellant, the learned APP for the State and the learned Advocate appearing for the Respondent No.2. Perused the papers on record.

2) This is an Appeal under Section 14-A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short SC and ST Act) against the rejection of the bail Application below Exh.48 in Special Case No. 354 of 2025 by an order dated 28.07.2025 passed

by the learned Additional Sessions Judge-13 and Special Judge SC and ST Act, Nagpur.

3) The prosecution's case as shown in the impugned order is reproduced below:-

“FIR dated 14.03.2025 alleges that, the deceased Mahesh Khandale owed Rs.4,000/- to the accused No.1 Roshan Dandekar. On 13-03-2025 accused No.1 Roshan Dandekar, accused No.2 Kunal Kakde and juvenile in conflict with law No.1 slapped the deceased Mahesh Khandale and forcibly brought him with them on their motor cycle. Informant Yüvraj Tekam received phone call of deceased Mahesh Khandale informing thereby that he should bring his parents with money, else these people would not leave him. Informant immediately informed the said fact to the parents of deceased. They tried to search the deceased at the house of accused No.1 Roshan and at other places but they did not find the deceased, so at last, they approached to the police. Police succeeded to trace out accused No.2 Kunal Kakde and juvenile in conflict with law No.1, then after interrogation they confessed that they

along with accused No.1 Roshan Dandekar murdered the deceased in Dongargon vicinity. Police rushed on the spot of incident, there they found that the dead body of the deceased was lying. Informant reported the incident to the police station and accordingly Crime No. 142/2025 came to be registered with Police Station Kuhi, Dist. Nagpur for the offences punishable U/Ss. 140, 103(1), 61(2) of the BNS, and U/Ss. 3(2) (v) & 3(2) (va) of S.C.S.T. (Prevention of Atrocity) Act against accused. The investigation was carried out by Dy. S.P Umred, wherein it is revealed that accused No.1 to 5 with juvenile in conflict with law No.1 and 2 in furtherance of their common intention abducted the deceased and killed him. After the completion of investigation charge sheet is filed in the court.

- 4) The papers show that the accused Pritam Ramdas Thakare is granted bail by the learned Trial Court by an order dated 19.06.2025. The accused Kunal Ramesh Kakde is granted bail by the Hon'ble Apex Court by an order dated 23.02.2026. The relevant paragraphs from the Apex Court order is reproduced below:-

4. *We take notice of the fact that in all, 7 accused persons came to be arrested in connection with the alleged crime. Out of 7 accused, 2 are juvenile accused persons. Out of 5 adult accused persons, 3 have been enlarged on bail.*

5. *We are informed that the charge has been framed in recent past. As on date, not a single witness has been examined.*

6. *The entire case two hinges on circumstantial evidence. The prosecution seeks to rely upon pieces of incriminating circumstances, i.e., (i) last seen together and (ii) discovery of the weapon of offence.*

7. *Having regard to the materials on record, we are of the view that we should exercise our discretion in favour of the petitioner so far as the plea for bail is concerned”.*

5) The statement of witness Prakash Gopal Puri names the above referred co-accused, who are granted bail. Accused Pritam in the said statement is attributed with the

role that he had taken the deceased with him out side the bar. The statement further shows that the deceased was taken by the co-accused on the motorcycle and all the others followed them. This *prima facie* indicate that the Appellant stand on the same footing as that of the said accused, who was granted bail. Thus, on the ground of the parity, the Appellant is entitled for the bail. Hence, the following order is passed.

ORDER

- i) Criminal Appeal is allowed.
- ii) The order dated 28.07.2025 below Exh.48 in Special Case No. 354 of 2025 passed by the learned Additional Sessions Judge-13 and Special Judge SC and ST Act, Nagpur is quashed and set aside.
- iii) The Appellant Roshan Bhaiyaji Dandekar be released on bail in connection with *Crime No. 142/2025 registered with Police Station Kuhi, Dist. Nagpur for the offences punishable U/Ss. 140, 103(1), 61(2) of the BNS, and U/Ss. 3(2) (v) & 3(2) (va) of S.C. and ST Act* on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.
- iv) Bail before the Trial Court.

- v) The Appellant shall not tamper with the prosecution evidence in any manner.
- vi) The Appellant shall co-operate in the early hearing of the trial.
- vii) The Appeal stands disposed of.

JUDGE