IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 956 OF 2025

Shaikh Ramzan Shaikh Madar
Age: 39 years, Occu.: Labour,
R/o Pimplegaon, Tq. Palam,
Dist. Parbhani ..APPELLANT

VERSUS

1. State of Maharashtra
   Through Officer Incharge,
   Police Station Chudawa, Palam,
   Dist. Parbhani

2. Superintendent of Police,
   Parbhani, Dist. Parbhani

3. Sumanbai Vikram Shewale
   Age: 65 years, Occu.: Labour,
   R/o Wani Pimpalgaon, Tq. Palam,
   Dist. Parbhani ..RESPONDENTS

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Mr. S.J. Salunke, Advocate for Appellant
Mr. S.N. Morampalle, A.P.P. for Respondent nos.1 and 2
Mr. M.H. Shaikh, Advocate for Respondent no.3

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CORAM : ABHAY J. MANTRI, J.
DATE : 17th JUNE, 2026

ORAL JUDGMENT :

1. The Appellant, being dissatisfied with the order dated 17th October, 2025, passed by the learned Additional Sessions Judge-1, Parbhani, below Exhibit 6 in Special (Atrocities) Case No. 140 of 2025, thereby rejected the bail application in connection with Crime No.205 of 2025 dated 12th August, 2025, registered with Police Station Chudawa, Tq. Purna, Dist. Parbhani, for

the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023 and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has filed this appeal.

2. Heard learned counsel for the Appellant, learned A.P.P. for the Respondent Nos. 1 and 2 and learned counsel for the Respondent No.3. Perused the order dated 17th October, 2025 and the copy of the charge-sheet.

3. On 12th August, 2025, Sumanbai – informant/mother of the deceased lodged the report alleging that on 10th August, 2025, the deceased, with the accused Ramzan, had both gone to Dhangari Takli to drop off his nephews, but did not return to home. Therefore, she was going to the Palam Police Station to lodge a missing report. At that time, she came to know that an unknown person had murdered her son, and therefore, she lodged a report against an unknown person. Based on her report, the offence was registered at Chudawa Police Station as stated above.

4. Pursuant to the registration of offence on 14th August, 2025, police arrested the Accused / Appellant. The Appellant then preferred a bail application before the learned Additional Sessions Judge, Parbhani, who rejected the said application; therefore, he has preferred this Appeal.

5. Learned counsel for the Appellant vehemently contended that the case is based on circumstantial evidence and the chain of circumstances is not

complete, and therefore, it cannot be said that the Accused has committed murder of the deceased. He has taken me through the entire charge-sheet and statements of the witnesses and argued that the circumstances of the last seen and the recovery of the weapon are not sufficient to conclude that the Appellant has committed murder. Therefore, he urged that the Appellant be released on bail.

6. On the other hand, learned A.P.P. and learned counsel for Respondent No.3 / informant have strongly opposed the Appeal/bail, contending that the deceased was accompanied by the Accused and the witnesses, Raju and Aakash Sabne, the hotel owner, have seen the deceased and the Appellant together on 10th August, 2025. Learned A.P.P. also pointed out the spot panchanama and submitted that there was mud on the spot of the incident and the accused cleaned the mud off his motorcycle in the garage of one Aditya Galande, and therefore, urged that all these circumstances consistently indicate that the Accused has committed murder of the deceased. Therefore, they urged that the appeal be rejected.

7. Having heard the rival contentions of the parties and perusal of the record, at the outset, it appears that the case is based on circumstantial evidence, and no direct evidence is available. Mainly, the prosecution is relying on three circumstances, i.e. last seen together, recovery of the weapon

and cleaning of mud from the motorcycle. However, on perusal of the recovery panchanama, prima facie, no blood stains were found on the weapon – *sattur* to infer that the said *sattur* was used as a weapon in the crime. As such, prima facie it does not appear that the chain of circumstances is complete to draw the inference that the Appellant has only committed murder of the deceased.

8. The ground urged by the learned A.P.P. and learned counsel for the Respondent No.3 is that the deceased took a loan from the bank and gave the said amount to the Appellant; therefore, to avoid repayment of the said loan, the Appellant committed the murder of the deceased. However, prima facie, I do not find substance in this contention, since, as per the bank statement and the statement of witness Raju Sarode, it prima facie appears that the Appellant and his brother had paid three instalments of the loan. No material from the charge-sheet indicates that, on account of non-payment of loan instalments, the Appellant might have committed the murder of the deceased. Apart from that, the investigation is complete, and the charge sheet has been filed with the Court. The Appellant has no criminal antecedents.

9. Having considered the above discussion, it seems that the prosecution, prima facie, failed to demonstrate that the chain of circumstantial evidence is complete to infer that the Appellant has committed the crime. Therefore, in the absence of it, it is not proper to detain the Appellant behind

bars. However, to dispel apprehension of the prosecution, stringent conditions can be imposed upon the Appellant.

10. As a result, **Criminal Appeal is allowed in terms of prayer clauses (B) and (C)**.

11. Accordingly, the Appellant be released on bail in connection with Crime No.205 of 2025 dated 12th August, 2025 registered with Police Station Chudawa, Tq. Purna, Dist. Parbhani for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023 and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing P.B. and S.B. of Rs.1,00,000/- (Rupees One Lakh) with one or two solvent sureties in the like amount on the following conditions :-

(I) The Appellant shall not tamper with the prosecution evidence in any manner till the conclusion of the trial.

(II) The Appellant shall not leave India without prior permission of the Court till the conclusion of the trial.

(III) The Appellant shall not enter village Wani Pimpalgaon, Tq. Palam, Dist. Parbhani till the conclusion of the trial.

12. Bail before the trial Court.

13. The Criminal Appeal is disposed of.

(ABHAY J. MANTRI, J.)

SSD