

2026 LiveLaw (SC) 188

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

VIKRAM NATH; J., SANDEEP MEHTA; J.

SLP(Crl.) No(s). 12440 of 2023; FEBRUARY 23, 2026

SHOBHA NAMDEV SONAVANE *versus* SAMADHAN BAJIRAO SONVANE AND OTHERS

Criminal Law – Grant and Cancellation of Bail – Unlawful Assembly (Sections 143, 147, 148, 149 IPC) – SC/ST (Prevention of Atrocities) Act, 1989 – Murder (Section 302 IPC) - Bail – Parameters for interference by Superior Court – Distinction between 'cancellation of bail' for misconduct and 'reversal' of an erroneous bail order – Supreme Court held that while cancellation under Section 439(2) CrPC (Section 483(3) BNSS) typically involves the accused misusing liberty, a superior court can reverse a bail order if it ignores relevant material, is based on extraneous considerations, or fails to consider the gravity of the offence. [Para 20]

Unlawful Assembly – Individual Role Attribution – Noted that the High Court erred in granting bail on the ground that the individual role or specific injury caused by each accused could not be ascertained - The Supreme Court clarified that where an offence is committed by an unlawful assembly, every member is equally responsible for acts done in furtherance of the common object - Under Section 149 IPC, the prosecution is not obligated to identify the specific weapon or injury attributable to a particular member at the bail stage. [Paras 27 - 30]

Judicial Scrutiny of Bail Orders – Held that the High Court's decision to grant bail by dissecting medical evidence and questioning the "intent to kill" due to a gap between the assault and death (septicaemia) was found to be premature - Such detailed analysis is reserved for the trial - The presence of multiple injuries, including cerebral damage from blunt trauma, outweighed the "extraneous considerations" of pending civil litigation and lack of specific role attribution – Appeal allowed. [Relied on *Ajwar v. Waseem* (2024) 10 SCC 768; (2025) 1 SCC (Cri) 320; *Shabeen Ahmad v. State of Uttar Pradesh & Anr.* (2025) 4 SCC 172; *Victim 'XX' v. State of Bihar & Anr.* (2025) INSC 877; Paras 21, 22, 29 - 31]

For Petitioner(s): Ms. Priyanka Deshpande, Adv. Dr. R. R. Deshpande, AOR Mr. Bhagwant Deshpande, Adv. Ms. Vidya B.kothule, Adv.

For Respondent(s): Ms. Pranjal Chapalgaonkar, Adv. Mr. Vatsalya Vigya, AOR Mr. Varad Kilor, Adv. Mr. Siddharth Dharmadhikari, Adv. Mr. Aaditya Aniruddha Pande, AOR Mr. Shrirang B. Varma, Adv.

J U D G M E N T

Mehta, J.

- 1.** Heard.
- 2.** Leave granted.
- 3.** The original complainant, Shobha Namdev Sonavane¹, is before us for assailing the order dated 1st March, 2023, passed by the High Court of Judicature at Bombay, Bench at Aurangabad² in Criminal Appeal No. 132 of 2023, whereby respondent Nos. 1 & 2 were granted bail in connection with Crime No. 322 of 2022 registered with Kopargaon Taluka Police Station, Dist. Ahmednagar, for the offences punishable under Sections 302, 354,

¹ Hereinafter, referred to as 'complainant/appellant'

² Hereinafter, referred to as the "High Court".

294, 326, 324, 323, 504, 506, 509, 143, 144, 147, 148, 149, 427 of Indian Penal Code, 1860³ and under Sections 3(1)(r), 3(1)(s), 3(2)(5), 3(2)(v-a), 3(1)(w), 3(1)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.⁴

4. Briefly stated, facts relevant and essential for disposal of the appeal are noted hereinbelow.

I. BRIEF FACTS

5. The appellant lodged a complaint at P.S. Kopargaon Taluka on 19th August, 2022 alleging *inter alia* that a prior civil dispute existed between the complainant's family and the accused persons with respect to a right of way over agricultural land. The said dispute was pending adjudication, and an order of stay had been granted by the High Court in relation thereto. On 19th August, 2022, at around 10:00 A.M., her husband, Shri Namdev Sonavane, left home to drop their daughter to the school on his motorcycle. At about 11:00 A.M., the complainant was informed by her brother-in-law, Sunil, that he had received a call from one Sainath Uttam Bacchav informing that six persons, including respondent Nos. 1 & 2 were assaulting her husband with iron rods and sticks near the shop of Tilekar on the Shirdi-Lasalgaon Road. Thereafter, the complainant, her brother-in-law Sunil and Sunil's wife Usha proceeded to the spot, where they saw Shri Namdev lying on ground and being assaulted with iron rods and sticks. When the complainant and her relatives attempted to intervene, they too were assaulted. According to the complainant, respondent No. 1, armed with an iron rod and Respondent No. 2 armed with a stick, assaulted Shri Namdev. The complainant further alleged that during the course of the incident, respondent Nos. 1 & 2, along with one another accused, removed their pants and uttered threatening and abusive words to the complainant in the name of her caste.

6. On the basis of the aforesaid complaint, FIR bearing No. 322 of 2022 came to be registered at P.S. Kopargaon Taluka for offences under Sections 354, 294, 326, 324, 323, 504, 506, 509, 143, 144, 147, 148, 149, 427 of the I.P.C. and under Sections 3(1)(r), 3(1)(s), 3(2)(5), 3(2)(v-a), 3(1)(w), 3(1)(g) of the SC/ST Act.

7. Shri Namdev Sonavane passed away on 24th August, 2022 while undergoing treatment and thus, Section 302 of the Indian Penal Code, 1860 was added to the case.

II. SUBMISSIONS ADVANCED BY APPELLANT

8. Learned counsel representing the appellant contended that the High Court, while allowing the appeal preferred by the respondents-accused and granting them bail, proceeded on extraneous considerations. It was urged that there are specific and clear allegations in the FIR based on the statement of the appellant, who herself sustained injuries in the incident, to the effect that respondent No.1 Samadhan Bajirao Sonvane was armed with an iron rod and respondent No.2 Ganesh Shankar Gawand was armed with a stick and that they actively participated in the fatal assault made upon the deceased Namdev by the members of the unlawful assembly, the objective whereof was to murder the victim and commit caste based violence with the complainant. Learned counsel submitted that notwithstanding such specific role being attributed, the High Court granted bail to the respondentsaccused on the flimsy and faulty assumption that the injured witness could not state with certainty as to which body part of the deceased Namdev was targeted by the respondents-accused during the assault.

³ Hereinafter, referred to as the "I.P.C.".

⁴ Hereinafter, referred to as the "SC/ST Act".

9. It was further submitted that the High Court also fell in grave error in granting bail by dissecting the medical evidence as if the case was being finally decided at the stage of trial.

10. It was also contended that the findings recorded by the High Court in the impugned judgment affect the merits of the case and are bound to prejudice the trial.

11. Learned counsel further urged that the parameters for grant of bail in a case involving murder of a person belonging to Scheduled Caste community were not duly adverted to by the High Court while directing release of the respondents accused on bail in such a grave case.

12. It was also urged that the High Court erroneously treated the pendency of civil litigation between the parties as a ground for granting bail, whereas, in fact, the said pending civil dispute constituted the very motive for the accused to launch the murderous assault on the deceased Namdev as well as the complainant.

13. It was thus submitted that the impugned order whereby the respondents-accused have been released on bail, is patently unjust and deserves to be set aside.

III. SUBMISSIONS ADVANCED BY RESPONDENTS

14. Learned standing counsel for the respondent No. 3-State of Maharashtra supported the submissions advanced by learned counsel for the appellant. He submitted that there are grave allegations against both the respondents-accused. Fuelled by the motive arising out of the pending civil litigation and land disputes between the parties, the accused launched a concerted attack on the deceased Namdev. It was urged that six assailants belabored Namdev and caused as many as eight injuries all over the body. Namdev became unconscious owing to the assault and subsequently expired due to the cumulative effect of the injuries, which resulted in severe cerebral damage, as recorded in the post mortem report.

15. *Per contra*, learned counsel representing the respondents-accused opposed the submissions advanced by learned counsel for the appellant and the learned counsel for the State.

16. It was submitted that the High Court has granted bail to the respondents-accused on apropos consideration of the material available on record. Bail was granted to the accused considering the fact that there were pending civil litigations between the parties, which could give reason to the complainant to falsely implicate the accused for the crime. The assailants were allegedly six in number and yet, only eight injuries were caused on the body of the deceased Namdev.

17. The incident took place on 19th August, 2022 and Shri Namdev expired on 24th August, 2022. The significant gap between the date of the incident and the date of death of Shri Namdev, creates grave doubt regarding the nexus between the injuries sustained and his death. Learned counsel urged that neither the complainant nor the other eye witnesses attributed any specific injuries caused to the deceased to either of the respondents-accused, and the possibility of over implication cannot be ruled out.

18. Learned counsel for the respondents-accused fervently urged that the considerations for grant of bail and cancellation of bail are entirely different. It was submitted that cancellation of bail should be resorted to only in the rarest of rare cases, where there exists specific substantiated material suggesting that the accused released on bail has violated the terms and conditions of bail, or has tampered with the prosecution evidence, or where there is a likelihood of the accused absconding and thereby

obstructing the process of trial. He submitted that none of the aforesaid scenarios exist in the present case and, therefore, there is no reason to interfere with the order granting bail to the respondents-accused. He thus implored the Court to dismiss the appeal.

IV. ANALYSIS

19. We have given our thoughtful consideration to the submissions advanced at the Bar and have gone through the impugned judgment and the material placed on record.

20. We make it clear that there is a clear distinction between cancellation of bail on the considerations provided under Section 439(2) CrPC (corresponding Section 483(3) BNSS) and reversal of an order of bail by the superior Court. While cancellation should only be resorted to in cases where the accused misuses the liberty of bail granted to him or tempers with the evidence. On the other hand, the order granting bail can be interfered with by the superior Court considering the nature and gravity of the offences; if the order granting bail ignores the relevant material available on record or that the same is based on extraneous considerations. The present is a case in the second category.

21. This court in the case of ***Shabeen Ahmad v. State of Uttar Pradesh & Anr.***⁵, relying upon an earlier judgment in the case of ***Ajwar v. Waseem***⁶, observed as follows:

“18. A superficial application of bail parameters not only undermines the gravity of the offence itself but also risks weakening public faith in the judiciary's resolve to combat the menace of dowry deaths. It is this very perception of justice, both within and outside the courtroom, that courts must safeguard, lest we risk normalising a crime that continues to claim numerous innocent lives. These observations regarding grant of bail in grievous crimes were thoroughly dealt with by this Court in *Ajwar v. Waseem* [*Ajwar v. Waseem*, (2024) 10 SCC 768 : (2025) 1 SCC (Cri) 320] in the following paras : (SCC pp. 783-84, paras 26-28)

“26. While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. [Refer : *Chaman Lal v. State of U.P.* [*Chaman Lal v. State of U.P.*, (2004) 7 SCC 525 : 2004 SCC (Cri) 1974]; *Kalyan Chandra Sarkar v. Rajesh Ranjan* [*Kalyan Chandra Sarkar v. Rajesh Ranjan*, (2004) 7 SCC 528 : 2004 SCC (Cri) 1977] ; *Masroor v. State of U.P.* [*Masroor v. State of U.P.*, (2009) 14 SCC 286 : (2010) 1 SCC (Cri) 1368] ; *Prasanta Kumar Sarkar v. Ashis Chatterjee* [*Prasanta Kumar Sarkar v. Ashis Chatterjee*, (2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765] ; *Neeru Yadav v. State of U.P.* [*Neeru Yadav v. State of U.P.*, (2014) 16 SCC 508 : (2015) 3 SCC (Cri) 527] ; *Anil Kumar Yadav v. State (NCT of Delhi)* [*Anil Kumar Yadav v. State (NCT of Delhi)*, (2018) 12 SCC 129 : (2018) 3 SCC (Cri) 425]; *Mahipal v. Rajesh Kumar* [*Mahipal v. Rajesh Kumar*, (2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558].

27. It is equally well settled that bail once granted, ought not to be cancelled in a mechanical manner. **However, an unreasoned or perverse order of bail is always open to interference by the superior court. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a superior court if it transpires that**

⁵ (2025) 4 SCC 172

⁶ (2024) 10 SCC 768

the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order.....”

[Emphasis supplied]

22. Also, this court in the case of *Victim ‘X’ v. State of Bihar & Anr.*⁷, while setting aside the order granting bail to a person accused of committing grave offences, inter alia, under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, observed as follows:

“24. It is trite that bail once granted should not be cancelled ordinarily, but where the facts are so grave that they shake the conscience of the Court; and where the release of the accused on bail would have an adverse impact on the society, the Courts are not powerless and are expected to exercise jurisdiction conferred by law to cancel such bail orders so as to subserve the ends of justice. The present one is precisely a case of such nature.”

[Emphasis Supplied]

23. Applying the aforesaid settled principles to the facts of the present case, we now proceed to examine whether the reasons assigned by the High Court for grant of bail can withstand judicial scrutiny.

24. The High Court has assigned the following reasons for granting bail to the respondents-accused:

“10. Perusal of the FIR would show that the appellants have their lands adjacent to the land of the deceased and it is said that there is long standing dispute in respect of way to the land. This Court has granted stay to the matter and, therefore, the dispute aggravated. The informant contends that her husband - Namdeo left along with daughter for dropping her to school around 9.00 a.m. and around 10.00 a.m., her brother-in-law informed about the fact that six persons were assaulting Namdeo in front of Tilekar's shop. Informant, her brother-in-law and wife of brother-in-law went to the spot. The statement of these three persons corroborate each other, however, it is to be noted from all the statements of all the three witnesses that the alleged act imputing offence under the Atrocities Act appears to be against present appellants and co-accused Ravindra. It is stated that by doing obscene act, they had abused the informant in the name of caste. As regards the abuses in the name of caste is concerned, role of each accused will have to be considered. The informant, her brother-in-law, brother-in-law's wife - Usha and the other eye witnesses have stated that accused Sahebrao was holding axe and accused Shankar was holding stick and they had assaulted Namdeo as well as accused Shankar appears to have assaulted Usha with the stick. Unfortunately, Namdeo has expired, but the fact that is required to be considered is that the incident is stated to have taken place on 19.08.2022 and Namdeo expired on 24.08.2022. The postmortem reveals eight injuries of following nature: -

- 1) Bluish contused abrasion of size 6cm x 4cm was present over right side of upper arm.
- 2) Lacerated wound was present over right hand thumb with dressing.
- 3) Multiple sutured wounds was present over right side of leg with discharging fluid.
- 4) Bluish contused lacerated wounds of size 4cm x 3cm to 2cm x 1cm was present over left side of leg.
- 5) Bluish/Blackish contusion of size 6cm x 4 cm was present over left side of arm with fracture of underlying bone.
- 6) Bluish contusion of size 12 cm x 4 cm was present over left side of lumber region.
- 7) Multiple bluish contusion was present over back of trunk.
- 8) Contusion was present over left side of parietal region of scalp with effusion of blood.

The probable cause of death as aforesaid appears to be combined effect of septicaemia with cerebral damage due to blunt trauma to head with polytrauma. Whose weapon caused

head injury to Namdeo cannot be ascertained, as there is no such specific statement either in the FIR or in statements of the witnesses under Section 161 of the Code of Criminal Procedure. Taking into consideration the septicaemia, which would have developed later to the bruises, it will have to be considered by the trial Court, as to whether there was intention and knowledge to kill Namdeo.

11. The investigation is over and charge-sheet is filed. The role attributed to the present appellants is holding of iron rod and stick. The discovery of iron rod as well as stick appears to be from coaccused Yogesh Gawand on 21.08.2022. Keeping the question open as to whether the said discovery would be admissible against the present accused or not, the only fact is then required to be considered that accused Yogesh appears to be the brother of appellant No.2 and the discovery panchanama states that the scythe was also discovered by Yogesh and it is then stated that it was used by appellant No.2 Ganesh, but the FIR speaks something else. The present appellant is said to have discovered his motorcycle and his clothes.

The CA reports are yet awaited. At the cost of repetition, it will have to be stated that even from the statements of certain witnesses under Section 164 of the Code of Criminal Procedure it cannot be gathered whose weapon has caused which injury to Namdeo.

12. As regards, the obscene act and abuses given in the name of caste are concerned no doubt it is attributed to the present appellants, but taking that offence in segregation will not justify the further custody of the accused. Another fact will have to be considered here is that the litigation is going on since last many years and at any earlier point of time, it has not been pointed out that the situation was so worst i.e. resulting in such attacks. Therefore, taking into consideration all these aspects, the appellant ought to have been released on bail by the learned Special Judge. No doubt, the offence charged against the appellants are serious in nature, but for the aforesaid reasons, they need not be asked to remain in jail as it will be long way to stand their trial.....”

[Emphasis supplied]

25. The prior litigation between the parties, which has been treated as one of the grounds for granting bail by the High Court can work both ways. This litigation could, very well, have fuelled the respondents-accused with the motive to launch the assault. As per the FIR, there was a concerted attack by the six accused persons who, not only abused and insulted the complainant and her deceased husband referring to their caste but also launched an all-out attack causing multiple injuries to the deceased by iron rods and sticks. When the appellant tried to intervene and save her husband, she too was beaten and subjected to caste-based insults and suffered injuries at the hands of the assailants.

26. The FIR was registered applying the offences under Sections 143, 147, 148 & 149 of IPC amongst others. There is clear allegation in the FIR that the accused persons formed an unlawful assembly, the common object whereof was to belabor and kill the deceased Namdev.

27. In this backdrop, clearly, the approach adopted by the High Court at the stage of considering bail recording that the prosecution was required to indicate the individual role of the accused in the incident, and that failure to do so, entitled the respondents-accused to bail, is erroneous on the face of record. In a case where the offence is committed by an unlawful assembly, each member of the assembly is equally responsible for the acts committed in furtherance of the unlawful object. The common object of the assembly being to assault the deceased Namdev on account of the pending civil litigation, each member of the unlawful assembly was thus equally liable and responsible for the offending acts. We may note that the looking to the large number of injuries, caused to the deceased (referred to *infra*), even the plea of over implication was not tenable.

28. As per the post mortem report, the following injuries were noticed on the body of the deceased Namdev:

- “1) Bluish contused abrasion of size 6cm x 4cm was present over right side of upper arm.
- 2) Lacerated wound was present over right hand thumb with dressing.
- 3) Multiple sutured wounds was present over right side of leg with discharging fluid.
- 4) Bluish contused lacerated wounds of size 4cm x 3cm to 2cm x 1cm was present over left side of leg.
- 5) Bluish/Blackish contusion of size 6cm x 4 cm was present over left side of arm with fracture of underlying bone.
- 6) Bluish contusion of size 12 cm x 4 cm was present over left side of lumber region.
- 7) Multiple bluish contusion was present over back of trunk.
- 8) Contusion was present over left side of parietal region of scalp with effusion of blood.”

29. A careful perusal of injury Nos. 3 and 7 would clearly indicate that multiple injuries were noticed by the autopsy surgeon. In that backdrop, the observation of the High Court that the accused were six in number and they inflicted only eight injuries and that therefore it could not be ascertained whose weapon caused the head injury, is absolutely irrelevant and could not have been a ground to grant bail.

30. At the cost of repetition, it may be mentioned that the provisions of rioting, unlawful assembly having been invoked, the prosecution was under no obligation to identify and fix the individual acts of the accused. So far as the observation made by the High Court regarding the time gap between the date of the incident and the date of death of the deceased Namdev is concerned, the said aspect would have to be gone into by the trial Court at the time of appreciating the medical evidence.

31. It needs to be noted that even the High Court itself has observed that the trial Court would have to consider whether there was any intention and knowledge to kill deceased Namdev. Once the High Court itself noted the multiple injuries on the body of the deceased with injury No. 8 causing deep rooted cerebral damage by blunt trauma, there was absolutely no justifiable reason to grant bail to the accused respondents.

V. CONCLUSION

32. As an upshot of the above discussion, the impugned order does not stand scrutiny and is hereby set aside. The bail granted to the respondents-accused by the High Court is cancelled. The respondents-accused shall surrender before the trial Court within a period of four weeks from today, failing which the trial Court shall take appropriate steps to secure their custody during the pendency of the trial. The trial Court is directed to conclude the trial within a period of one year from today.

33. We make it clear that the observations made above are only restricted to the consideration of this appeal for cancellation of bail and shall have no bearing on the outcome of the trial and the trial Court shall proceed with the case uninfluenced by any of the observations made in this order. We further grant liberty to the accused to renew their prayer for bail once the evidence of the eye-witnesses and the medical jurist is recorded by the trial Court.

34. With these observations, the appeal is allowed.

35. Pending application(s), if any, shall stand disposed of.