



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1366 OF 2026
WITH
CRIMINAL APPLICATION NO.3003 OF 2026
IN BA/1366/2026

Chandravijay S/o. Hausaji Mangnale,
Age : 54 years, Occu. : Service,
R/o. Bhagyanagar, Nanded,
Tq. & Dist. Nanded.

... Applicant.

Versus

The State of Maharashtra,
Through Police Station Officer,
Bhagya Nagar Police Station,
Nanded, Tq. & Dist. Nanded.

... Respondent

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Mr. S. S. Gangakhedkar, Advocate for Applicant
Mr. K. K. Naik, APP for Respondent / State.
Mr. R. D. Birajdar, Advocate for Applicant (Asstt. to APP) in
APPLN/3003/2026

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 02nd SEPTEMBER 2026

ORDER :

1. This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking the applicant's release on regular bail in connection with Crime No. 175 of 2026 registered with Bhagyanagar Police Station, District Nanded, for the offences punishable under Sections 103(1), 61(2) and 317(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 read with Section 25 of the Arms Act, 1959. The applicant was arrested on 7th April, 2026. Investigation is complete and the charge-sheet has been filed.

2. The occurrence is alleged to have taken place on 6th April, 2026 and the First Information Report was registered on the same day. There are five accused persons. The applicant is not alleged to have been physically present at the place of occurrence and no act of assault is attributed to him. The prosecution seeks to implicate him as a conspirator in the murder. The applicant's wife, who is also arraigned as an accused, has been released on bail on medical grounds. Her release is noticed only as part of the record and not as a ground of parity, since the present application is required to be considered on the applicant's own role and the material collected against him.

3. In brief, the prosecution alleges that the murder was carried out pursuant to a conspiracy involving the applicant's son, who is referred to in the record as 'Golu' and who had been confined in jail in connection with another offence since 1st June, 2022, accused Piyush Shinde, and the other accused. According to the prosecution, Piyush Shinde acted as the intermediary through whom the contract was arranged. The applicant and his wife had visited their incarcerated son and the prosecution alleges that discussions connected with the offence took place during such visits. Reliance is also placed upon call-detail records and a connectivity chart to contend that the applicant was in contact

with Piyush Shinde and was, therefore, part of the alleged conspiracy.

4. The charge-sheet refers to two persons as eye-witnesses, namely Pravin Kachhwa, whose statement is recorded on 11th April, 2026 and Gajanan Shivram Chintale, whose statement is recorded on 11th April, 2026. Those witnesses speak about the occurrence and the assailants at the spot. Neither of them places the present applicant at the scene, identifies him as one of the assailants, or attributes any overt act to him. The defence has questioned the circumstances in which their statements came to be recorded and, particularly in relation to the second witness, the feasibility of his journey to the spot. Those are matters for trial. For present purposes, what is material is that even if the statements are accepted at face value, they do not furnish a direct link between the applicant and the alleged conspiracy.

5. Learned counsel for the applicant submitted that the applicant has been implicated only because he is the father of the incarcerated accused. It was urged that his visits to his son were regular, officially registered and conducted under the prison administration's supervision. The applicant's mobile number was one of the numbers recorded with the prison authorities for

regulated family communication. Every such call and visit was capable of being monitored. No report of any suspicious conversation or objectionable conduct during those visits has been placed in the charge-sheet. A lawful meeting between a parent and an incarcerated son, it was submitted, cannot by itself be treated as proof of an agreement to commit murder.

6. Learned counsel further submitted that there is no recovery from the applicant. The money allegedly paid to Piyush Shinde has not been recovered from him. No weapon, incriminating article, document or electronic device yielding an incriminating exchange is shown to have been seized from him. The statements of the eyewitnesses do not refer to him. No test identification parade concerning him was held, though, in fairness, no such exercise would arise when the prosecution itself does not place him at the scene.

7. Attention was invited to the communication and call material at pages 188, 204, 356 and 479 of the compilation. It was submitted that the list of persons registered for contact with the jail inmate does not itself incriminate the applicant. The last call referred to in the material at page 204 is dated 25th March, 2026, whereas the offence occurred on 6th April, 2026. The table at page 479, according to the defence, shows only six contacts between the

applicant and Piyush Shinde. It does not disclose the content or purpose of those calls. It was also submitted that the broader network diagram appearing thereafter does not correspond with the underlying tabulated data insofar as the applicant is concerned.

8. Learned counsel lastly relied on the applicant's medical record dated 23rd March, 2026. The report records regional wall-motion abnormality and reduced left ventricular function, with an ejection fraction of about 40 per cent. It was submitted that this circumstance, read with the absence of recovery, absence of presence at the scene and the tenuous electronic link, warrants his release on bail.

9. Learned APP opposed the application. The learned APP submitted that the offence is grave and was the outcome of a pre-arranged conspiracy. Since a conspiracy is ordinarily hatched in secrecy, direct evidence of the agreement cannot be expected. The Court must consider the cumulative effect of the applicant's prison visits, his contacts with Piyush Shinde, and the connectivity among the accused. The learned APP relied upon the statements of Sandeep Kalyankar, the brother of the deceased, and Kumar Narangole, the CCTV footage of the prison visits, and the call-detail charts and network diagram appearing in the charge-sheet.

10. Upon the prosecution being called upon to identify the precise material connecting the present applicant with the agreement to commit the offence, reliance was placed upon the applicant's visits to his son and the calls with Piyush Shinde. The learned APP fairly did not dispute that the applicant was neither an assailant nor present at the place of occurrence. Beyond the aforesaid visits and telephone contacts, no further independent circumstance was pointed out from the charge-sheet as directly or inferentially connecting the applicant with the alleged agreement.

11. The parameters governing the exercise of bail jurisdiction are settled. The Court must consider the nature and gravity of the accusation, the specific role attributed to the accused, the nature of the supporting material, the severity of the possible punishment, criminal antecedents, flight risk, the likelihood of tampering with witnesses or evidence, and the possibility of obstructing the trial. At the same time, the Court examines only whether reasonable or prima facie grounds emerge from the charge-sheet; it must not conduct a threadbare assessment or record findings that may prejudice the trial. The Supreme Court has recently reiterated these principles in ***Zeba Khan v. State of Uttar Pradesh, AIR 2006 SC 1006***, while referring to ***Ajwar v. Waseem, (2024) 10 SCC 768*** and the earlier settled line

of authority.

12. There can be no doubt that the accusation concerns a grave offence carrying the most severe punishment. Gravity is an important consideration, but it does not dispense with examination of the role attributed to the individual applicant and the quality of the prima facie link shown against him. Where the prosecution case against a person is not of participation in the assault but only of being a party to a conspiracy, the relevant inquiry at the bail stage is whether the collected material, viewed cumulatively and at face value, reasonably indicates his participation in the alleged agreement. Mere association, relationship or opportunity to communicate cannot automatically substitute that link.

13. The settled character of the offence of conspiracy also requires caution in both directions. Since conspiracies are generally conceived in secrecy, an express agreement need not be proved by direct evidence and may be inferred from proved circumstances and coordinated conduct. Yet the circumstances relied upon must have a discernible nexus with the object of the alleged conspiracy. Suspicion arising from family relationship or acquaintance may justify investigation; after the investigation is complete, continued detention must rest on material which, prima facie, advances the matter beyond mere suspicion.

14. Tested on that standard, the principal circumstance is the applicant's visitation of his son in prison. The prosecution's own record indicates that the son had been confined since June 2022 in another crime and that the applicant was a regular, registered visitor. The visits were not clandestine. They occurred through the prison system and were capable of supervision and recording. The charge-sheet material shown to the Court does not disclose any recorded conversation, report by a prison official, unusual visit pattern, or conduct during a visit bearing upon the murder committed on 6th April 2026. In the absence of such an additional circumstance, the neutral fact of a father visiting his incarcerated son cannot, at this stage, bear the entire weight of a prima facie inference of conspiracy.

15. The electronic material does not materially strengthen that link. The table at page 479, as explained during the hearing, shows the applicant in contact with Piyush Shinde on about six occasions. However, neither the dates and duration of all those calls nor their proximity to the commission of the offence were demonstrated so as to disclose a concerted pattern. The last call specifically referred to was dated 25th March, 2026. There is no transcript, intercepted conversation, message, location correlation or subsequent conduct placed before the Court to show that the

calls related to the proposed offence. Telephone contact may be a relevant circumstance, but, without temporal and contextual linkage, it remains equivocal.

16. There is also substance in the submission concerning the apparent inconsistency between the tabulated call data at page 479 and the network diagram relied upon thereafter. The table appears to show the applicant's contact with Piyush Shinde, whereas the diagram projects a wider connectivity. When the prosecution was asked to demonstrate from the underlying call list the applicant's individual contacts with the other accused and their proximity to the occurrence, no such further link was pointed out. A visual network representation cannot be assigned greater evidentiary value than the underlying call records from which it is said to be derived.

17. Any statement made by a co-accused to the police could legitimately provide a lead for investigation. Its use as substantive material against another accused is, however, governed by the law of evidence. At the stage of bail, the Court need not pronounce finally upon admissibility; nevertheless, where the alleged disclosure is not followed by a recovery, discovery, electronic communication, financial trail or some other independent circumstance connecting the applicant to the alleged agreement,

the disclosure by itself cannot supply the missing nexus for continued pre-trial detention.

18. The remaining circumstances also require notice. Nothing has been recovered from the applicant. The alleged contract money has not been traced to or from him. No eyewitness places him at the scene. No incriminating article or communication is attributed to him. Investigation is complete and the charge-sheet has been filed. Thus, the applicant is no longer required for custodial investigation. The applicant's cardiac condition, supported by the report predating his arrest and reflecting an ejection fraction of approximately 40 per cent, is a relevant additional circumstance, though the Court does not grant bail principally on medical grounds.

19. This Court is conscious that proof at trial may emerge from the cumulative effect of circumstances and that each circumstance need not independently establish guilt. The present assessment is nevertheless confined to whether the charge-sheet presently discloses sufficient prima facie material to justify continued incarceration of this applicant pending trial. Even when the circumstances relied upon are considered together familial relationship, regulated prison visits and a limited number of calls with Piyush Shinde the necessary proximate link with the alleged

agreement remains tenuous. The prosecution has not identified the content, context or coordinated conduct which converts those otherwise equivocal circumstances into prima facie participation in the conspiracy.

20. The seriousness of the offence cannot be understated; nor can it alone cure the absence of a sufficiently proximate individual link. Bail is not an adjudication of innocence. Conversely, pre-trial detention cannot operate as punishment merely because the principal offence is grave. The legitimate concerns of the prosecution can be protected by stringent conditions restraining the applicant from contacting witnesses or co-accused, requiring regular attendance before the trial Court, and restricting departure from the Court's jurisdiction without permission.

21. In these circumstances, and without expressing any final opinion on the admissibility or probative value of the prosecution evidence, a case for grant of bail is made out. All observations in this order are prima facie, confined to this application, and shall not influence the trial. Hence, the following order:

ORDER

- (i) The Bail Application is allowed.

- (ii) The applicant - Chandravijay S/o. Hausaji Mangnale, shall be released on bail in Crime No.175 of 2026 registered with Bhagyanagar Police Station, District Nanded, on executing a personal recognizance bond in the sum of Rs. 50,000/- with one or two solvent sureties in the like amount, to the satisfaction of the trial Court.
- (iii) The applicant shall not directly or indirectly contact, threaten, induce or promise any prosecution witness and shall not tamper with the evidence in any manner.
- (iv) The applicant shall not communicate with any co-accused concerning the facts of the present crime. This condition shall not prevent communication strictly necessary for conducting the defence through advocates.
- (v) The applicant shall attend the trial Court on every date unless his presence is specifically exempted and shall cooperate with the expeditious conduct of the trial.
- (vi) The applicant shall report to Bhagyanagar Police Station on the first Monday of every month between 10.00 a.m. and 12.00 noon for six months, and thereafter as and when directed by the trial Court.
- (vii) The applicant shall furnish his current residential address and active mobile number to the Investigating Officer and the trial Court before release and shall intimate any change within seven days.

- (viii) The applicant shall not leave India without prior permission of the trial Court and shall deposit his passport, if any, before that Court within one week of his release. If he has no passport, he shall file an affidavit to that effect.
- (ix) If the applicant breaches any condition, the prosecution shall be at liberty to apply for cancellation of bail.
- (x) It is clarified that the trial Court shall decide the case on its own merits, uninfluenced by the prima facie observations contained in this order.
- (xi) Bail application is disposed of accordingly.
- (xii) In view of disposal of bail application, Criminal Application No.3003 of 2026 is also disposed of.

(HITEN S. VENEGAVKAR)
JUDGE