



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 91 OF 2025

. Dnyaneshwar @ Mauli S/o Ahilaji Dukre
Age: 24 years, Occu.: Education,
R/o.Khedula, Tq.Pathri,
Dist.Parbhani.Applicant

Versus

- 1) The State of Maharashtra
Through Investigating Officer,
Selu Police Station,
Tq.Selu, Dist.Parbhani.
- 2) The Superintendent of Police,
Dist.Parbhani.Respondents

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Advocate for Applicant : Mr.S.J.Salunke h/f.
Mr. Swapnil Devidas Gawate
APP for Respondents : Ms.Vaishali S.Chaudhari
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CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 20 MARCH, 2025
PRONOUNCED ON : 24 MARCH, 2025**

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in crime no.0402 of 2024 registered at Selu Police Station, Dist.Parbhani for offence under Sections 103(1), 140(3), 238, 61(2), 3(5) of the Bharatiya Nyaya Sanhita.

2. Learned counsel submits that the applicant is arrested in above crime on 06-08-2024 on mere suspicion. According to him, there is no foundation to the story developed by the prosecution. He pointed out that, there being no direct evidence, prosecution case is based on circumstantial evidence. He further pointed out that son of informant went missing on 02-08-2024 and therefore, missing report was lodged. That, dead body of son of informant was found in decomposed condition. That, thereafter on suspicion, applicant and others are implicated. Learned counsel submitted that prosecution case is that deceased had illicit relations with a lady and even present applicant had illicit relations with the said lady and therefore, in such backdrop, deceased was allegedly done to death. However, according to learned counsel, there is no evidence in support of such theory. He pointed out that, there are allegations of strangulation as well as inflicting injury by knife, but there is no base or foundation in support of such contention of prosecution. Learned counsel submitted that though recovery is shown at the instance of present applicant, it has no base value. He pointed out that there is said to be recovery of burned mobile as well as papers of a vehicle, but it is not established by investigating machinery that the mobile was owned by deceased or the papers, which were burned, were of the

vehicle of deceased. Thus, according to learned counsel, there is no incriminating material whatsoever against present applicant. That, investigation is already over and chargesheet is also filed on 25-10-2024. When no further recovery or discovery is shown to be made and according to learned counsel, there are no immediate prospects of matter going for trial, he urges for bail.

3. Learned APP strongly opposed application pointing out that present applicant had illicit relations with a lady when deceased also had acquaintance with said lady. Therefore, to eliminate informant's son, he was first taken towards Lonar and then chilli powder was thrown and subsequently accused persons after giving blow with knife on the throat, strangulated and finished him off. Learned APP pointed out that there is statement of vehicle owner, whose vehicle was hired by present applicant to commit above offence. That, moreover there is no explanation for recovery of rope and knife under Section 27 of the Indian Evidence Act at the instance of present applicant. According to her, this goes a long way to show complicity of present applicant also and that the submission of learned counsel for applicant that there is no evidence, is of no force. That, serious offence being committed and apprehending misuse of

liberty for tampering evidence, she opposes relief of bail.

4. Heard. Perused the FIR and papers. Informant Dilip Rodage approached Selu Police Station on 06-08-2024 reporting that on 02-08-2024, his son Arjun left house to bring pesticides from Selu, but did not return and so he lodged missing report. He further reported that he also heard from villagers that his missing son was having conversations with a lady and he questioned his son, but his son did not give any explanation and rather since two months, his son was in disturbed condition. He further claims that he also learnt that the said lady also had illicit relations with Dnyaneshwar @ Mauli Dukare i.e. present applicant and Dnyaneshwar and his friend had told his son to sever relations with the lady and had raised quarrel as well as issued threats to kill. Therefore, he lodged report of missing of his son.

5. Papers show that dead body of Arjun was found in decomposed condition in vicinity of Lonar Lake and therefore, investigation was taken up, which allegedly revealed illicit relationship between present applicant and a lady as well as acquaintance of present informant's son Arjun with said lady and in that backdrop deceased

was said to be eliminated. However, it is emerging that there is no direct evidence. Though, there is recovery of some articles like rope, knife, vehicle papers, the same are under Section 27 of the Indian Evidence Act. Thus, primarily case is based on circumstantial evidence. Now investigation is over. No further recovery or discovery is shown to be made. Chargesheet is already filed in October 2024 itself. There is nothing to indicate that charge is framed and that there are immediate prospects of matter going for trial. Therefore, considering the above facts and when no purpose would be achieved by continuing custody of applicant, application deserves to be allowed. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Dnyaneshwar @ Mauli S/o Ahilaji Dukre be released on bail in connection with Crime no.0402 of 2024 registered with Selu Police Station, Dist.Parbhani on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not enter into vicinity of village Ravalgaon, Tq.Selu, Dist.Parbhani till conclusion of trial.

(v) Applicant shall report to Selu Police Station, Dist.Parbhani twice a week i.e. on every Tuesday and Friday between 11:00 a.m. to 02:00 p.m. till commencement of trial and after commencement of trial, he shall attend the effective dates in the trial Court.

(ABHAY S. WAGHWASE)
JUDGE

SPT