



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 335 OF 2025

BHUSHAN KANTARAM WALE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Shri Shaikh Joyeb I., Advocate for the Appellant.

Ms. Anuradha S. Mantri, APP for Respondent No.1/State.

Shri Rahul R. Karpe and Shri Shubham S. Pawar, Advocates for  
Respondent No.2.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 24 November 2025

P. C. :-

1. This appeal is filed by the appellant for seeking regular bail in connection with FIR bearing Crime No.450/2024 dated 05.08.2024 registered with Sangamner Rural Police Station, Sangamner, District Ahilyanagar, for the offences punishable under Sections 103(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant also seeks quashment of the order dated 05.03.2025 passed by learned Sessions Judge, Sangamner, rejecting the bail application of the appellant below exhibit 5 in Special Case

No.78/2024.

2. On 05.08.2024, the informant Dipak Sahebrao Unwane lodged the FIR stating therein that on 04.08.2024, when the informant came back to home at 11:30 pm in night, at that time, his father Sahebrao was sleeping in open tin shed adjacent to house. When the informant came at 11:30 pm, his father got up from sleep and after seeing him, he again slept. The informant along with his wife slept inside the house. However, on 05.08.2024 in morning at 06:00 am, when the wife of the complainant as usual went outside home, however, she returned back in home by shouting and told the informant that there is head injury to her father-in-law Sahebrao and he is not responding. Therefore, the informant called police by dialing 112. The police arrived and took his father to the hospital, however, after examining, doctor declared him to be brought dead. Accordingly, the informant lodged the FIR alleging that his father Sahebrao aged 77 years was murdered by unknown person.

3. On the basis of the FIR, the police started investigation and during the course of same, spot panchanama

was carried out. The police seized one letter written in Hindi language, which disclosed that family members of one girl Shweta Mehta from Jharkhand State are involved in commission of the said offence. The police, accordingly, started investigation and they suspected about the appellant because he was found moving suspiciously in CCTV footage installed on highway. Therefore, the appellant was arrested on 09.08.2024. During the course of investigation, the statements of witnesses were recorded and it was revealed that the present appellant was having online transaction with the said Shweta Mehta and frequent talks were going on between them on mobile. The appellant was alleged to have fell in love with Shweta and also proposed her for marriage, however, she refused the marriage proposal since her family members would not accept the same as they belong to different castes. As such, keeping grudge against family members of Shweta and in order to teach them lesson, the appellant came in the house of the informant and murdered his father, who was sleeping and kept the letter and other documents at the spot so as to implicate Shweta and her family members in the crime. The appellant was accordingly arrested. The Investigating Officer has collected several evidence including

online transaction and chatting between the appellant and Shweta. After completion of investigation, the charge-sheet came to be filed and the case is now registered as Special Case No.78/2024 before learned Additional Sessions Judge, Sangamner.

4. Learned advocate for the appellant submits that the appellant has no concern with the crime and he has been falsely implicated by the police. There is no eyewitness and his name is not mentioned in the FIR. There is no recovery from him and there are no blood stains on the seized weapon, therefore, recovery is also doubtful. The appellant was not communicated the grounds of arrest. As the investigation is completed and the charge-sheet is filed, further custody of the appellant is not required. Learned advocate, therefore, prayed for grant of regular bail.

5. In support of his above submission, learned advocate for the appellant has relied upon the following judgments:-

(a) Pankaj Bansal vs. Union of India, (2024) 7 SCC 576  
: 2023 STPL 12331 SC.

(b) Prabir Purkashyatha vs. State (NCT of Delhi), AIR 2024 SC 2967.

(c) Ashish Kakkar vs. UT of Chandigarh, 2025 LiveLaw SC 367.

(d) Smt. Sujata vs. State of Maharashtra, 2025 STPL 8757 Bombay.

(e) Mihir Rajesh Shah vs. State of Maharashtra, 2025 LiveLaw SC 2025

6. *Per contra*, learned APP has strenuously resisted this appeal by submitting that the offence is of serious nature. There are criminal antecedents against the appellant and in few of cases, though the appellant may have been acquitted, however, some offences which are pending are concerning serious offences punishable under Sections 363, 302, 379 of the Indian Penal Code. The appellant is habitual offender. Only to implicate family members of Shweta, the appellant has committed murder of innocent old person by putting letter/ chit at the said spot so that family members of Shweta will be implicated in the crime. Learned APP by referring to some portions from the charge-

sheet, submitted that the appellant was duly communicated the grounds of his arrest. There is prima facie evidence against the appellant. The offence is punishable with death or life imprisonment. Learned APP, therefore, strongly opposed this appeal and prayed for dismissal of this appeal.

7. While adopting the submissions of learned APP, learned advocate for respondent No.2 also opposed this appeal by filing affidavit in reply. According to learned advocate for respondent No.2, the appellant was having grudge due to denial of marriage proposal and therefore, in order to implicate family members of the girl, has committed murder of old innocent person, who belongs to the Scheduled Caste category. The documents which were found on the spot, have been identified by one Xerox shop owner, namely, Navnath Rahane and in his statement, Navnath identified the said documents and stated that the appellant approached to his shop for getting printouts of the documents, which are recovered from the spot of incident. The appellant is habitual offender since his childhood. The medical evidence discloses the cause of death as “death due to head injury by heavy weight object, hitting forcefully over frontal side

of head”. The evidence which has come on record discloses that the offence is heinous, preplanned, cold minded with motive to rope family members of Shweta. Learned advocate further submitted that on the date of incident in morning at about 03:30 AM, the present appellant observed in suspicious manner on the toll plaza on Pune Nashik highway. Learned advocate further narrated relations between the present appellant and Shweta and highlighted as to how they came into contact with each other through telegram app. The chatting between them discloses that the appellant made enquiries about her family background and thereafter, he proposed her for marriage, however, the girl refused his proposal due to her family pressure. Therefore, keeping grudge against family members, the appellant has committed gruesome murder of 77 years old person, who is totally innocent. Learned advocate further pointed out that there are several criminal antecedents against the appellant including the offence under Section 302 of the Indian Penal Code. It is, therefore, contended that if the appellant is released on bail, he would tamper with prosecution evidence and there is also possibility of fleeing away from justice. Therefore, the appeal is liable to be dismissed.

8. After hearing learned advocates for the parties, I have gone through the record produced by learned APP. It is evident that there are four different crimes registered against the appellant and in three crimes for offences punishable under Sections 363, 379 of the IPC, he is released, however, one crime for offence punishable under Section 302 of the IPC is pending. Therefore, granting bail to such accused would amount to misplaced sympathy. The evidence collected by the prosecution prima facie shows that there is possibility of bringing home the guilt of the appellant. The offence alleged, if proved, is punishable with death or life imprisonment. There is also motive for the appellant to commit the crime. Though the appellant was arrested on 09.08.2024 and since then, he is in jail, however, that cannot be ground for bail because as per the allegations, the appellant has played direct and major role in the offence. As such, he is principal accused. Investigation is completed and the charge-sheet is already filed. Trial is in progress.

9. Having considered the rival submissions and the material in the charge-sheet, this Court finds that the prosecution has collected substantial circumstantial evidence connecting the

appellant with the offence. The CCTV footage showing the appellant near the toll plaza at about 3:30 a.m., the statements of the Xerox shop owner identifying the documents found at the spot as those printed by the appellant, the online transactions and chats indicating the strained relations arising out of the marriage proposal, and the recovery of the incriminating note found at the scene, collectively constitute prima facie material demonstrating motive, preparation and conduct. The medical opinion also confirms homicidal death by a heavy blunt object. The absence of an eye-witness is inconsequential at the stage of bail, particularly when the circumstances point towards the appellant. The appellant also has multiple criminal antecedents, including a pending case under Section 302 IPC. His past involvement and the nature of the present offence give rise to a reasonable apprehension that he may tamper with evidence or influence witnesses.

10. In such circumstances, the decisions relied upon by the learned counsel for the appellant do not advance his case. In *Pankaj Bansal, Prabir Purkayastha and Ashish Kakkar (supra)*, the Supreme Court was concerned with the requirement of

communicating grounds of arrest or with cases where the prosecution material was either weak or largely documentary. In the present case, the arrest memo and the charge-sheet prima facie show that the grounds of arrest were duly communicated, and the material consists of CCTV footage, witness statements, motive-related circumstances and identification of documents connecting the appellant to the crime. The judgments in *Sujata* and *Mihir Shah* (supra) involved materially different factual scenarios where the accused had clean antecedents or the evidence was insufficient to show their direct involvement. The present case, involving a pre-planned murder of an elderly person with the intention to falsely implicate others, supported by multiple pieces of circumstantial evidence and in the backdrop of the appellant's antecedents, stands on an entirely different footing. Hence, the cited decisions are distinguishable and do not warrant grant of bail.

11. In view of the above and considering the allegations in the FIR, prima facie at this stage, I am not inclined to grant bail to the appellant. This Criminal Appeal is dismissed.

12. It is made clear that this Court has not observed

anything on merits of the matter and learned Sessions Court shall not be influenced by dismissal of this appeal.

*kps*

( SUSHIL M. GHODESWAR, J. )