



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 971 OF 2025

Rupali Sanjay Londhe
Versus
The State of Maharashtra

WITH
CRIMINAL APPLICATION NO. 2401 OF 2025 IN ABA/971/2025

Mahesh Gorakshnath Kakad
Versus
The State of Maharashtra

Mrs. R. S. Kulkarni for the Applicant.
Mr. A. V. Lavte, APP for the State.

CORAM : ADVAIT M. SETHNA, J.
DATE : 21 JULY 2025

P. C.:

1. The Applicant has filed this Application under Section 482 of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”) as she apprehends arrest. The proceedings relate to CR No.0251 of 2025. The FIR is lodged on 10 May 2025 at 22:11 hours by the Kopergaon Police Station, Ahilyanagar. The occurrence of the offence is shown on 10 May 2025 between 13:30 hours to 20:30 hours. The FIR discloses names of five accused persons, out of which accused No.1 is the Applicant before the Court. Accused No.2, 3 and 5 have been arrested. Pursuant to such arrest they have filed Bail Applications before the Additional Sessions Judge, Sessions Court, Kopergaon, which have been rejected by separate orders dated 4 July 2025. The Informant is

one Mahesh Gorakshnath Kakad, age 26 years, who is the brother of the deceased.

Case in FIR:-

2. The perusal of the FIR reveals that the deceased Sainath i.e. brother of the Informant, who was working in an IT company named MDI situated at Vimannagar Pune. The deceased was staying in a rental room at Wadgaon Sheri, Pune. The present Applicant and the deceased knew each other. The deceased Sainath used to treat the Applicant Rupali as his sister. Since the last one year the Applicant used to visit the residence of Sainath situated at Dohale. The family members of the deceased knew the Applicant, who also had a residence in Vimannagar, Pune. On 10 May 2025 i.e. the date on which the complaint was lodged, at about 8:30 a.m. the Informant for work related reasons was at Nashik and was at his room. At that time he received a phone call of his father Gorakshnath stating that the deceased Sainath has been admitted to Sai Super Hospital, Shirdi. His father immediately asked the Informant to visit the said hospital. When the Informant reached the hospital at around 11:00 a.m. and inquired with the concerned doctor about the health of his brother, he was informed that his brother, deceased Sainath suffered a heart failure and that the doctors are trying their best to revive him. However, on the same day at about 1:30 p.m., the concerned doctor declared the deceased Sainath as dead. Thereupon, the Informant witnessed the body of his brother and noticed injuries on his lips and red marks on his neck. The Informant thus inquired

with his father as to what had happened. To this, he was told that at about 6:00 a.m. on 10 May 2025 he had received phone call of the father of the Applicant, namely, one Sanjay Londhe. He informed the Informant's father over the call that the deceased Sainath was brought in an unconscious state at the house of the Applicant situated at Kokamthan (near Shirdi), where he was lying in an unconscious state and they should come there at the earliest. The father of the deceased inquired with the friend/roommate of the deceased namely one Suhas Dube, who narrated that on 10 May 2025 that at about 1:30 a.m. the present Applicant along with the four co-accused persons came to their room when the deceased was asleep he was woken up from his sleep and the present Applicant along with her brother Anil Londhe (accused No.2) and the other co-accused persons inquired from the deceased as to why he had posted certain messages on Instagram addressed to the husband of their sister and stating that the deceased ruined their sister's life. The present Applicant along with her brother and the co-accused persons dragged him outside the room and forced him into a four wheeler.

3. As further disclosed in the FIR he was then brought to the house of the Applicant No.1 at Kokamthan, where he was administered a poison like liquid and the Applicant along with three co-accused persons present there (original accused Nos.2, 3 and 5) killed/murdered the deceased. Accordingly, the FIR was lodged under Sections 103(1), 140(1), 189(2) and 191(2) of the BNS, for the alleged offence/s.

Submissions:-

4. Mrs. Kulkarni, learned Advocate for the Applicant would strongly urge that the Applicant is being falsely implicated in the present crime and has absolutely no role to play in regard to the alleged offences. She would make submissions on the basis of the remand report to submit that it is on record that the deceased was in a habit of consuming liquor and on 8 May 2025 and 9 May 2025 he had consumed alcohol. On both the days, the deceased was not even in a position to walk. His roommate Suhas Dube and friend Shubham were having full knowledge of such habit of consuming alcohol of the deceased. It was such alcohol consumption that the physical condition of the deceased was not healthy which was communicated to the friends and family members of the deceased. She would next refer to the P. M. report to submit that the nature of wounds and injuries would reveal that the allegation of the Applicant and the co-accused having assaulted to deceased is incorrect, false and contrary to such P. M. report and record. As stated in the P. M. report the death was due to unknown poisonous compound, which has no connection or nexus with the present Applicant in any manner whatsoever. She would urge that the FIR itself reveals that the Applicant and the deceased were known to each other and their families and that they share a brother sisterly relationship. Thus, the allegations against the Applicant are false much less believable.

5. Mr. Lavte, learned APP would on the other hand submit that the P. M. report would clearly reveal that the deceased died due to the presence

of some unknown poisonous compound in his body which in the said report is described as 200 ml dark brownish having yellowish tinge having kerosene like odour with haemorrhagic mucosa. He would rely on the FIR to submit that the present Applicant-accused along with the other co-accused has forcibly carried the deceased from Pune to Kokamthan at late midnight hours of 9 May 2025, after which he was brought to the hospital at Shirdi. Referring to the case diary, Mr. Lavte would state that the eye witnesses have seen the Applicant-accused at the scene of the incident in Pune. The roommate of the deceased i.e. Suhas Dube who resided with him had described the incident, who was present at the time when the deceased was forcibly dragged from his room at Nashik by the Applicant and the three co-accused persons, who threatened him for sending certain messages on Instagram to their sister. There were injury marks visible upon the lips and neck of the deceased, which create suspicion and as also doubt in regard to the alleged assault on the deceased by the Applicant and the co-accused persons. The C.C.T.V. footage which has been seized during the investigation clearly makes visible the present Applicant at the time when the deceased was forcibly taken by the Applicant and other co-accused person from his flat at Pune. It is the Applicant who appears to have played the pivotal role in the present crime as it appears that it is on her instigation and direction that the deceased was brought to the flat of the Applicant at Kokamthan. In such facts and circumstances, considering the P. M. report, custodial interrogation would be much required and for all such reasons the ABA

deserves to be dismissed.

Findings:-

6. Heard learned counsel for the Applicant, learned APP and with their assistance perused the record. From a perusal of the FIR and the incident that has been reported *prima facie* reveals that the death of the deceased is shrouded under suspicious circumstances. A perusal of the P. M. report would further support this inasmuch as the reason of death is stated to be due to unknown poisonous compound and about 200 ml of liquid, having kerosene like odour with haemorrhagic mucosa has been found in the stomach of the deceased. The said report in (paragraph 17) also shows scratch, abrasion over left side lateral aspect of midneck of the deceased which is corroborated with the version, who witnessed similar injury marks *inter alia* on the neck of the deceased. The statement/information given by the roommate-Suhas Dube, who resided with the deceased corroborates the contents in the compliant and FIR, in regard to the manner in which deceased was forcibly taken from his room at Pune at about 1:30 a.m. and pushed into the car and taken away, threatening the deceased in regard to the said Instagram messages. Further, the prosecution has submitted that the case diary reveals that there are eye witnesses, who have stated to have seen the Applicant when the deceased was taken away from his flat at in Pune and have specifically referred to her. The C.C.T.V. footage which has been seized which clearly reveals presence of the Applicant whilst forcibly taking the deceased from his flat at Pune. The contents in the FIR are corroborated

by the statement of the eye witness, which cannot be glossed over at this preliminary stage. There is substance in the prosecution's case that the alleged crime could have been committed at the instigation and direction of this Applicant as the deceased was brought by her and the other three co-accused at her home in Kokamthan. The fact that he was brought there where he was unconscious is not disputed. This does require detailed investigation. The P. M. report also reveals that the death was due to unknown poisonous compound, however, viscera preserved for chemical analysis. In such factual matrix, custodial interrogation of the Applicant would be necessary to unearth, determine as to whose instance the poison as alleged was administered, where was it so administered and the reasons in that regard and the nature of the messages allegedly sent by the deceased on Instagram so as to investigate the motive and intent which led to the death of the young 24 years old deceased, to take the investigation to its logical end.

7. A *prima facie* case thus, has been made out against the Applicant by the prosecution. The ingredients of alleged offences against the Applicant appear to be applicable at this stage. Though Mrs. Kulkarni would straneously urge that the Applicant is a 23 years old young professional working with a BPO, the suspicious circumstances under which the equally young deceased aged 24 has lost his life has to be investigated thoroughly for which custodial interrogation in the given factual complexion would be necessary. It is also seen from the case diary/investigation material that

though the mobile phone of the deceased has been seized the data on such device appears to have been deleted for which it is sent to the forensic lab at Nashik for recovery. In such backdrop the apprehension of the prosecution that the Applicant, if enlarged on bail, possibility of tampering with evidence cannot be discarded at this preliminary stage. According to the prosecution she has played a pivotal role and is the key accused in the present crime. The Bail Applications of the other three co-accused persons has also been rejected, where there is specific reference to the Applicant as the key, main accused. Be that as it may. However, independent of that, for the reasons recorded above, in my view, both requirements of *prima facie* case and custodial interrogation would necessitate dismissal of the Anticipatory Bail Application, *inter alia*, on the well settled legal principle that this is an exception and not the rule.

8. Before concluding it may be necessary to note that Mrs. Kulkarni has placed an affidavit filed by the father of the Applicant dated 8 May 2025 pursuant to the orders passed on 3 July 2025. It narrates that the Investigating Officers, three in number, had visited the house of the deponent (father of the Applicant) on 8 July 2025 and threatened the nephew by clicking his photographs. When such allegations were made, one of the Investigating Officers was also directed to remain present in Court pursuant to which the Court has made necessary enquiries with the said Officer, who denied the nature of allegations in such affidavit dated 8 July 2025. Such actions if at all by the Investigating Officers as indicated in the

affidavit placed on record dated 8 July 2025 cannot be countenanced. It is also open for the deponent to take appropriate steps as the law would mandate in this regard. Needless to state that the Investigating Officers ought to act in accordance with law and they are not in any manner above the law.

9. However, it is difficult for the Court at such preliminary stage to change its view and give a benefit of doubt to the Applicant as far as her prayer for anticipatory bail is concerned. For all the reasons noted above, the prayer in the ABA does not appeal to the conscience of the Court nor does it inspire confidence at this stage. Thus the following order is passed:-

O R D E R

- i. Anticipatory Bail Application No.971 OF 2025 is **Rejected**.
 - ii. Pending Application/s, if any in these proceedings, would not survive and is/are accordingly dismissed.
10. Needless to mention that these observations are *prima facie* only for the purposes of adjudication of this Anticipatory Bail Application.

[ADVAIT M. SETHNA, J.]