



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

BAIL APPLICATION NO. 1166 OF 2025

MAHADEV ANANDA MAHARNAWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Salman K. Pathan.
APP for Respondent / State : Mr. S. B. Narwade.
...

CORAM : **SANJAY A. DESHMUKH, J.**
RESERVED ON : 07th October, 2025.
PRONOUNCED ON : 17th October, 2025.

ORDER:

1 Heard both the sides.

2 This is an application, under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short “the BNSS”), for grant of
regular bail in connection with Crime No.387 of 2024, registered with
Sonai Police Station, District Ahmednagar, for the offences punishable
under Sections 103(1), 315 and 238 of the Bharatiya Nyaya Sanhita,
2023 (for short, “the BNS”).

3 The learned counsel for the applicant pointed out the
report, in which the informant, Sub-Inspector of Sonai Police Station,

District Ahmednagar, averred that he got an information that a dead body of a woman was lying near the canal in the Zhapwadi area. The informant alongwith the staff went there. They noticed that blood was oozing from her nose, her body was stiff and cold and her tongue was pressed between her teeth. Accordingly, inquest *Panchanama* was drawn and then report was lodged. The dead body was identified. It was revealed during the investigation that the victim woman was visiting the applicant frequently as the applicant was guiding her. On 5th October, 2024, the son of the deceased woman noticed that his mother is not at home. He searched for her. On 7th October, 2024, he received a phone call from his in-law's village Yawat, Taluka Daund, District Pune, that his mother Jijabai is shown in the photograph. The son of the deceased went there. The applicant was arrested and some ornaments of the deceased woman were found with him. Those are seized.

4 The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. He is no way concerned with the said crime. There is no eye-witness to the incident. The applicant has roots in the society and he will not flee away from trial. Trial will take a long period. It is lastly prayed to allow the application.

5 The learned counsel for the applicant relied upon the

following authorities:

- a. ***Jamshed Mo. Akbar Shaikh Vs. The State of Maharashtra***, (Criminal Bail Application No.2116 of 2019) decided by the Principal of this Court on 20th September, 2019.
- b. ***Kaduba Sakharam Pawar Vs. State of Maharashtra, AIRONLINE 2021 BOM 1706.***
- c. ***Kushappa Rukawwa Talwar V. State of Maharashtra, AIRONLINE 2021 BOM 6256.***
- d. ***Somnath Vithhal Waghmare V. State of Maharashtra, AIRONLINE 2020 BOM 1618.***
- e. ***Kanhaiya Lal Vs. State of Rajasthan, 2014(sup) Cri. L.R. (SC) 744.***
- f. ***Ashrafbhai Ibrahimbhai Kalavdiya V. Union of India and Anr.***, (Criminal Bail Application No.420 of 2025) decided by the Principal Seat of this Court on 18th July, 2025.
- g. ***Directorate of Enforcement Vs. Subhash Sharma, 2025 LawSuit(SC) 146.***
- h. ***Vihaan Kumar Vs. State of Haryana & Anr., 2025 0 Supreme(SC) 283.***

- i. ***Kasireddy Upender Reddy Vs. The State of Andhra Pradesh and others, 2025 INSC 768.***
- j. ***Sundeeep Kumar Bafna Vs. State of Maharashtra and another, 2014 AIR Supreme Court 1745.***
- k. ***State of Karnataka Vs. Sri Darshan Etc., 2025 INSC 979.***

6 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious crime. There is strong circumstantial evidence against the applicant. The applicant committed the murder by taking disadvantage of the old-aged woman by stealing her gold ornaments. He throttled her to death. If the applicant is released on bail, he will pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

7 Perused the charge-sheet, particularly, the report and the statements of witnesses.

8 In the CCTV footage the applicant and deceased Jijabai were seen before the incident. The applicant is booked for a serious crime. It is a case of throttling. The statement of the goldsmith clarifies that the applicant went to him with the gold ornaments (of the

said woman, Jijabai, aged 70 years) and he paid an amount of Rs.50,000/-. Though the case is based on circumstantial evidence, this is strong circumstance against the applicant that he had sold the gold ornaments of the deceased Jijabai to the goldsmith and this shows his subsequent conduct relevant as per Section 8 of the Indian Evidence Act, 1872.

9 Considering the serious nature of crime of murder for which death penalty or life imprisonment can be awarded, the applicant may pressurize the prosecution witnesses and tamper with the evidence, the applicant is certainly not entitled for bail.

10 The learned counsel for the applicant relied upon the authorities (cited supra), however, facts of each case are always decisive. In the case in hand, the facts are different and the involvement of the applicant is *prima-facie* established. Therefore, those authorities are not helpful to the applicant.

11 As far as non-disclosure of the grounds of arrest to the applicant is concerned, this Court in the case of **Gaurav Appa Naiknaware Vs. State of Maharashtra**, (Bail Application No.1165 of 2025) decided on 29th September, 2025, held that unless prejudice caused to the accused is pointed out at the belated stage, his plea that

he was not communicated the ground of arrest is not acceptable. The Honourable Supreme Court in the case of ***The State of Karnataka Vs. Sri Darshan, reported in 2025 INSC 979***, held as under:-

“The approach adopted here is inconsistent with the settled principle that procedural lapses in furnishing grounds of arrest, absent prejudice, do not ipso facto render custody illegal or entitle the accused to bail.”

12 Considering all these aspects, the application deserves to be rejected. The application is rejected.

[SANJAY A. DESHMUKH, J.]

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