



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1430 OF 2025

SANTOSH SANJAY JADHAV
VERSUS
THE STATE OF MAHARASHTRA

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- Mr. Abhaysinh K. Bhosle, Advocate for Applicant
- Mr. R. D. Raut, APP for Respondent-State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 04.11.2025

PER COURT :

1. The applicant has filed the present application seeking grant of regular bail in connection with Crime No. 374 of 2024, registered with Itwara Police Station, Nanded for the offence punishable under Section 103(1), 238, 3(5) of BNS, 2023 and Sections 4 and 25 of the Arms Act, 1959.

2. The prosecution case is that the applicant, along with co-accused *Rahul Jadhav* and *Avinash Nandane*, has committed the murder of one *Venkateshprasad @ Vicky*. The complainant *Ramdas*, father of the deceased *Venkateshprasad @ Vicky*, has stated in the FIR that on 30.09.2024, the deceased had slapped the mother of accused *Avinash* and for taking revenge of such incident, all the three

accused persons, including the present applicant has decided to eliminate the deceased *Venkateshprasad @ Vicky*. One of the alleged eyewitnesses, *Nihal Undre*, has attributed a role to the present applicant, stating that he acted in connivance with the main accused and assisted in the commission of the offence.

3. It is the submission of the learned counsel for the applicant that even a bare perusal of the First Information Report itself shows that there are hardly any allegations of assault which can be attributed to the applicant. The entire allegations revolve around one *Avinash*, who is alleged to have assaulted the deceased with a dagger and thereafter thrown the body into the river. The learned counsel for the applicant further submits that the post-mortem report also does not reveal any such injuries consistent with homicidal death, creating serious doubt about the prosecution version.

4. It is the submission of the learned counsel for the applicant that the FIR itself shows that the incident dated 30.09.2024 is only introduced as an afterthought. Initially, only a missing complaint was registered on the complainant of *Ramdas*, father of the deceased on 29.09.2024, wherein no such incident of murder was reported. The subsequent implication of the three accused, particularly the present applicant, is therefore an afterthought based solely on the statement

of one witness, *Nihal Undre*. He therefore, submits that even if the statement of *Nihal Undrae* is perused, the same would not reveal any role of the applicant in murder, which is primarily attributed to accused *Avinash*. The counsel for the applicant, therefore, prays for grant of bail, as the applicant is arrested from 14.10.2024, and that the trial is not likely to be concluded in the near future.

5. As against this, Mr. Raut, learned APP for the State vehemently opposes the bail application and he submits that a cold blooded murder is committed by the applicant along with the accused *Avinash* and *Rahul*, the Knife held by the present applicant at the time of commission of the offence of murder of the deceased *Venkateshprasad @ Vicky*, was also recovered at the instance of the brother of the present applicant.

6. It is further submitted that the presence of the applicant at the scene of offence is corroborated by the statements of eyewitnesses. The dagger used for commission of the offence was also recovered from *Avinash*, who also has criminal antecedents and is involved in another murder case earlier. Considering the gravity of the offence, the learned APP prays for rejection of the bail application.

7. I have gone through the entire charge-sheet and the statements of witnesses. The Perusal of the statement of eyewitness *Nihal Undre*,

in particular, would show that there is no active role of the present applicant in commission of murder of the deceased *Venkateshprasad @ Vicky*. The witnesses *Nihal Undare* has specifically named accused *Avinash* to be the assailant, who had not only committed murder of deceased *Venkateshprasad @ Vicky* but also thrown his body in the river. The statement of *Nihal Undare* further indicates that only a stick was handed over to the present applicant – *Santosh* who was asked to keep an eye, while the assault was being carried out by the accused *Avinash*. It is important to note that *Nihal Undre* himself did not report the incident, if he has witnessed the incident of murder.

8. The perusal of the FIR, filed at the instance of the father of the deceased, also does not throw any light on the role of the applicant in committing murder of deceased *Venkateshprasad @ Vicky*. Even if the incidents of 29.09.2024, is considered to be true, it could, at the most, establish a motive for accused *Avinash* alone, whose mother was allegedly slapped by the deceased. Thus, looking to the entire evidence collected by the prosecution and considering that the applicant was arrested on 14.10.2024 and the investigation is complete and that the trial will take its own time to conclude, I am inclined to grant bail to the present applicant. Hence, the following order :-

ORDER

- A) The applicant shall be released on bail in connection with Crime No. 374 of 2024, registered with Itwara Police Station, Nanded for the offence punishable under Section 103(1), 238, 3(5) of BNS and Sections 4 and 25 of the Arms Act, 1959, on furnishing PR Bond of Rs. 50,000/- with one or two sureties in the like amount.
- B) The applicants are directed to attend the concerned Police Station and report to the Investigating Officer as and when called, during the pendency of the trial.
- C) The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.
- D) The applicants shall not tamper with the prosecution evidence or attempt to influence or threaten any witness in any manner. A single incident of such conduct would entitle the prosecution to seek cancellation of the bail granted to the present applicants.
- E) The applicant, upon being released on bail, shall furnish his residential address, contact number, and copies of his Aadhaar / PAN Cards to the Investigating Officer as well as trial Court, and shall also provide the names, addresses, and contact numbers of his close relatives for the purpose of record and verification.

9. In view of the above terms, the Bail Application is disposed of.

(MEHROZ K. PATHAN, J.)