



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO.309 OF 2025

. Rajendra @ Appa Ramdas Patil,  
Age: 58 Years, Occu.: Nil,  
R/o.: Shiv Colony, Mhasavad,  
Tal. and Dist. Jalgaon .. Applicant

**Versus**

. The State of Maharashtra,  
Through its MIDC Police Station,  
Jalgaon, Tal. And Dist. Jalgaon .. Respondent

...

Advocate for Applicant: Mr. V. B. Patil  
APP for the Respondent/State: Mr. C. V. Bhadane

...

**WITH**

...

**CRIMINAL APPLICATION NO.631 OF 2025**

RAJESH DAMODAR NAWAL

**Versus**

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant: Mr. S. D. Hiwrekar  
APP for the Respondent/State: Mr. C. V. Bhadane  
Advocate for Non-applicant No.2: Mr. V. B. Patil

...

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 30.04.2025

PRONOUNCED ON : 05.05.2025

**ORDER:**

1. Criminal Application No.631 of 2025 stands allowed in terms  
of prayer clause "B".

2. The present application is for regular of bail on account of arrest of the applicant in Crime No.718/2024 registered at MIDC Police Station, Jalgaon, District Jalgaon for offence punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The learned counsel for the applicant pointed out that the applicant is arrested in above crime on 11.10.2024 and he is behind the bars since then. The applicant is shown as accused No.2. That report is lodged against unknown persons and the accused were arrested on 11.10.2024. That, the applicant is stated to be involved and there are allegations committing murder of Suwarna. Motive is said to be some money transaction. But there is no direct evidence. The case is based on circumstantial evidence, more particularly, on last seen together. The learned counsel pointed out that on the point of last seen together there are statements of 2 ladies namely Savita Dhupad and Salma Tadvi but there statements are not recorded immediately. He further pointed out that TI Parade has been conducted but applicant was not identified by these 2 ladies. Investigation is over and the charge-sheet is filed on 26.12.2024. When no further recovery or discovery is to be made and the trial would take long time to conclude, he urges for grant of bail.

4. The learned APP opposed on the ground that incident is a result of some money transaction. There is use of hammer. However, it is

recovered at the instance of main accused Lalbabu and that the applicant was present with him. Therefore on complete investigation even the applicant is arrested offence being serious, the learned APP opposed the bail application.

5. The learned counsel for the informant also opposed on the ground that there is recovery of motorcycle and even gold ornaments on the person of the deceased, which were apparently removed and stolen are recovered, therefore he also opposed grant of bail.

6. Heard. Perused the papers.

7. The FIR dated 11.10.2024 is at the instance of Rajesh Nawal and he reported that he runs a business by name Yash Traders. On 10.10.2024, as usual, he left to conduct the business, returned in the afternoon for lunch, after having talks with his wife – Suwarna he returned back to conduct business and wife was alone at home. He has reported that around 08:20 p.m. after closing the shop he has visited his sister's place, did some marketing and returned home on 08:45 p.m. and noticed that the door of the house was open and his wife was found lying there in the pool of blood with head injury and, therefore, he reported the above occurrence resulting into registration of crime against unknown person.

8. Investigation was carried out and it was revealed that accused nos.1 and 2 i.e. Lalbabu and Rajendra @ Appa, who were in custody and they admitted that ornaments of the deceased were mortgaged and proceeds were distributed. The said ornaments is said to be streedhan. The statements of Savita Dhuppad and Salam Tadvī were recorded on 11.10.2024 and 12.10.2024 respectively. Savita Dhuppad in her statement stated that on that day around 04:30 p.m. they had seen one person wearing bluish black shirt and black half pant was spotted outside their house. She further reported that her sister-in-law was lending money on interest and person namely Appa was regularly coming there. Twice there were quarrel between both of them. Similarly there is statement of Salma Tadvī and she has also reported about one person in the attire as stated by previous witness spotted in front of house of deceased.

9. Further statement is made across the bar by the learned counsel that, though, TI Parade was conducted, applicant has not been identified and same has not been refuted by prosecution. The learned APP has fairly submitted that allegation of use of hammer are attributed to another accused and not present applicant. Precisely taking the same into consideration, when investigation is over and the charge-sheet is also

filed and no further recovery or discovery is to be made, the applicant succeeds. Hence, the following order:-

### **ORDER**

- I. The applications is allowed.
- II. The applicant be released on bail in connection with Crime No.718/2024 registered at MIDC Police Station, Jalgaon, District Jalgaon for offence punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, on executing Personal Bond of Rs.15,000/- with one surety in the like amount, on the following condition:
  - [a] The applicant shall not tamper prosecution evidence.
  - [b] The applicant shall not enter Jalgaon City, where the informant and his family resides except attending the concerned police station as well as court dates till conclusion of the trial.
  - [c] The applicant shall attend the concerned police station twice in every week i.e. on every Thursday and Monday between 11:00. a.m. to 02:00 p.m. till conclusion of the trial.
  - [d] The applicant shall regularly attend each and every effective date before the trial court.

**[ABHAY S. WAGHWASE, J.]**