



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 536 OF 2025

Rahul S/o Popat Bodhak
Age: 34 years, Occu.: Labour,
R/o. Village Chandegaon, Tal. Vaijapur,
Aurangabad.Applicant

Versus

The State of MaharashtraRespondent

.....
Advocate for Applicant : Mr. Shaikh Joyeb I. (through VC)
APP for Respondent : Mr.VM.Jaware

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 05 MAY, 2025
PRONOUNCED ON : 06 MAY, 2025

ORDER :

1. Applicant seeks regular bail on account of his arrest in crime no.0470 of 2024 registered at Shrirampur Taluka Police Station, District Ahmednagar, for offence under Sections 103(1), 137(2), 140(1), 238, 123, 109 of the Bharatiya Nyaya Sanhita.
2. Pointing to the date of arrest as 08-09-2024, learned counsel pointed out that there are allegations of kidnapping and committing murder, however, there is no direct evidence. That, alleged

kidnapping is of 06-09-2025, but dead body was found after a week i.e. 13-09-2024 that too in decomposed condition. That, though autopsy has been conducted, cause of death has not been issued. That, there is no recovery or discovery to be made. That, except statement of child witness and one Kartik Gokul Wagh, which are ambiguous, there is no evidence whatsoever regarding applicant to be behind the occurrence. That, now chargesheet is filed on 27-11-2024. That, trial will take long time to commence and conclude. That, as applicant is ready to abide by all and any conditions, learned counsel urges for grant of bail.

3. Learned APP opposed application on the ground that serious offence is committed. That, initially there was kidnapping of deceased and then there was administration of poison. That, there is evidence of purchasing said poison. That, there is statement of child witness. Therefore, offence being serious, learned APP urges for rejection of the application.

4. Heard. Perused the FIR dated 07-09-2024. One Sushmita Abhijit Tribhuvan lodged report that she has a son namely Snehdeep,

aged 3 years and a daughter namely Devyani and she resides with in-laws. According to her, her sister-in-law Nikita had performed second marriage with Rahul i.e. present applicant. That, relation between Nikita and Rahul were strained and as a result of which Nikita was staying with informant with her son namely Jaydeep since last ten days. Informant reported that on 06-09-2024, at around 02:00 p.m., she learnt from her sister-in-law Nikita about applicant Rahul's visit to the house and asking her to accompany, but she refused resulting into minor quarrel and he leaving. She further reported that at 03:30 p.m. her sister-in-law, mother-in-law again went for agricultural work. That, informant's children were playing outside the house. Thereafter, again her brother-in-law i.e. Rahul came alongwith his children Divyanka and Pratik and asked informant about Nikita and Jaydeep. She told him that they are at field. She further reported that Rahul suggested taking informant's son to the shop, but she objected. Later on, she claims that when she came out after a while, she found her daughter alone playing and her son missing and thereafter, she searched for her son in nearby area and after arrival of her husband and in-laws, when they enquired in a shop in the village, they came to know that Rahul has taken her son Snehdeep with him. When, informant contacted Rahul on phone, he

answered that he will not send her son back until Nikita comes for cohabitation. Therefore, above report has been lodged on 07-09-2024.

Supplementary statement of informant is shown to be recorded on 13-09-2024 reporting that her son was taken by applicant on Motorcycle to one grocery shop, offered him some snacks, administered him poison and committed his murder and disposed off the body in the field.

5. Therefore, there are allegations of kidnapping and committing murder of three years' old boy. As pointed out post mortem report shows that cause of death is multiple injuries and some unknown substance being ingested. Exact cause of death cannot be communicated and viscera is preserved for chemical analysis.

Learned APP pointed out that viscera was preserved on 14-10-2024, however, till date viscera report is not yet received. Therefore, taking the same into consideration, this Court is not inclined to consider bail application atleast at this stage. Hence, following order:

ORDER

Bail Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE

SPT