

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2921 OF 2025

Uddhav Gyanba Jadhav

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

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Dr. Uday Warunjikar a/w Pranjal Jadhav, for the Applicant.
Ms. G. P. Mulekar, APP, for the Respondent-State.
P.S.I. A. B. Sangle, Pali Police Station, District-Raigad, present.

CORAM: MADHAV J. JAMDAR, J.
DATED: 13 NOVEMBER 2025

PC:-

1. Heard Dr. Uday Warunjikar, learned Counsel appearing for the Applicant and Ms. Mulekar, learned APP, for the Respondent-State of Maharashtra.

2. By the present Application filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (“**BNSS**”), the Applicant is seeking pre-arrest bail in connection with CR No.66 of 2025 registered on 27th June 2025 with the Pali Police Station, District-Raigad, initially under Sections 108 and 3(5) of the *Bharatiya Nyaya Sanhita, 2023* (“**BNS**”) and subsequently under Section 103 of BNS.

3. The Applicant has been granted pre-arrest bail in connection with same crime i.e. said CR No.66 of 2025 as far as offences punishable under Sections 108 and 3(5) of BNS by order dated 25th September 2025 passed by a learned Single Judge in Anticipatory Bail Application No.2183 of 2025. The operative part of the said order dated 25th September 2025 reads as under :-

“14. Hence, following order is passed:

a) The applicant is allowed; b) In the event of arrest in connection with Crime Register No. 66 of 2025 registered with Pali Police Station for offences punishable under Sections 108 and 3(5) of the Bhartiya Nyaya Sanhita, 2023, the applicant shall be released on bail on executing a personal bond of Rs. 25,000 with one or two sureties of like amount.

c) The applicant shall attend the Investigating Officer as and when called and shall cooperate with the investigation.

d) The applicant shall not tamper with evidence or influence witnesses.

e) Liberty is reserved to the applicant to apply for pre-arrest bail in respect of the alleged offence under Section 103 of the Bhatiya Nyaya Sanhita, 2023. If such an application is filed, it shall be considered on its own merits in accordance with law.

15. The application for anticipatory bail is allowed and disposed of.”

(Emphasis added)

4. Thus, by the said order, although, the anticipatory bail is granted with respect to the offences punishable under Sections 108

and 3(5) of BNS, liberty is reserved to the Applicant to apply for pre-arrest bail in respect of the alleged offence under Section 103 of BNS. It has been further observed that if such an application is filed, the same shall be considered on its own merits in accordance with law.

5. After the learned Single Judge of this Court passed order dated 25th September 2025 in Anticipatory Bail Application No.2183 of 2025, the Applicant filed Criminal Miscellaneous Application No.169 of 2025 seeking pre-arrest bail for the offence punishable under Section 103 of BNS in said CR No.66 of 2025. Learned Additional Sessions Judge, Mangaon, District-Raigad rejected the said application by order dated 06th October 2025 and, therefore, the present application is filed.

6. The Applicant is the Accused No.1 and the wife of the deceased is the Accused No.2 in the said crime. The deceased and the Accused No.2 were working with the Appilcant in his farmhouse. As per the prosecution case the Applicant and the Accused No.2 are involved in extra-marital relations and, therefore, both of them killed the deceased and show was made

that the deceased died by suicide. As per the prosecution case, the Applicant held the hands of the deceased and the Accused No.2-wife of the deceased poured poison in his mouth. The Accused No.2-wife of the deceased is arrested.

7. The prosecution case in detail is as under :-

- i. The First Informant is the father of the deceased. The First Informant is the resident of Village Limba Ganesh, Taluka-Beed, District-Beed. His family consists of his wife, two sons-Deceased and Datta, one daughter and their children. All of them were staying together.
- ii. The Applicant has agricultural land at Mouje Phanswadi, Taluka-Sudhagad, District-Raigad and has a farmhouse. The Applicant is known to the family of the First Informant.
- iii. In or about April 2024, the Deceased and his wife along with daughter - Swara shifted to the said agricultural land/ farmhouse of the Applicant and the Deceased started working with the Applicant as Labourer and his

wife started working with the Applicant as cook. Daughter - Swara of 10 year was taken admission in a school at Mouje Phanswadi, Taluka Sudhagad, District Raigad. [The distance between Village Limba Ganesh, Taluka Beed, District Beed and Mouje Phanswadi, Taluka Sudhagad, District Raigad is about 300 kms].

- iv. As per the prosecution case, extra marital relationship developed between the Applicant and the wife of the deceased after about 3 months. The deceased was objecting to the said relationship and insisting that he along with his wife and daughter - Swara shall return back to their native place i.e. at Village Limba Ganesh, Taluka Beed, District Beed, however, the same was being objected by the wife of the deceased as well as the present Applicant.
- v. As the Deceased was humiliated on many occasions by his wife and the Applicant he alone returned back to the native place on 1st September 2024. On enquiry he informed the First Informant that Applicant used to give

him liquor everyday in the night and asked him to sleep in the shed outside the house and his wife used to sleep in the house. He informed First Informant that his wife would act as per the wish of the Applicant and she refused to come at the native place and therefore he had returned back.

vi. Thereafter, after a few days the Applicant called the Deceased and told him to return back. The Applicant told the deceased that he had already seen other couple for doing work and after said other couple joined the duties he would immediately send the Deceased, his wife i.e. Accused No.2-Manisha and Daughter-Swara to the native place at Village Limba Ganesh, Taluka-Beed, District-Beed.

vii. Therefore, the Deceased again went to the said farmhouse at Mouje Phanswadi, Taluka Sudhagad, District Raigad. Thereafter, the Deceased informed his father that there was no change in the behaviour of his wife and the Applicant every time supported the Accused

No.2 - wife and both of them are not allowing daughter - Swara to talk with him. The Deceased also told his father i.e. First Informant that the Applicant was not allowing him along with his wife and daughter to return back to the native place and his wife was also refusing to come back to the native place.

viii. Thereafter, the Applicant called the First Informant and informed him that the Deceased was unnecessarily suspicious about the relationship between the Applicant and Accused No.2. At that time the First Informant told the Applicant to send the Deceased, Accused No.2-Wife and Daughter-Swara to the native place i.e. at Village Limba Ganesh, Taluka-Beed, District-Beed. However, the Applicant had not sent them to the native place.

ix. On 08th October 2024 at about 06:00 p.m., the Applicant called the father of the deceased i.e. First Informant informing him that the deceased was not listening to him and behaving in a strange manner and therefore, the father of the deceased had a talk with the deceased and

the Deceased informed the father that although he wanted to return back to the native place, the Applicant is not allowing him to do so and his wife is also objecting to the same. Thereafter, the father of the Applicant had a talk with his daughter-in-law i.e. Accused No.2-Manisha Dilip Thorat and she informed that she would immediately return back with the deceased and daughter-Swara. At that time, father of the deceased informed the Applicant that they be sent to the native place in the morning.

- x. On 08th October 2024 at about 10:00 p.m., the First Informant i.e. father of the deceased was informed by the Applicant that the deceased was serious and that he had consumed poison and therefore, the father of the deceased should come to Government Hospital, Alibag. As the distance between Beed and Alibag is very long, the First Informant sent his grandchildren to Alibag. On 9th October 2024 at about 02:15 p.m. the grandchildren of the First Informant, informed the First Informant that the Deceased had passed away. On 10th October 2025 at

about 06:30 a.m. the grandsons-Jay, Nilesh, the daughter-in-law Manisha (Accused No.2), granddaughter - Swara along with the body of the Deceased came to the native place i.e. Village Limba Ganesh, Taluka-Beed, District-Beed and last rites of the Deceased were performed on 10th October 2024 at 10:00 am.

- xi. On 11th October 2024 the grand daughter-Swara informed the relatives that the Applicant used to give liquor to the deceased for consumption and forced him to sleep in a shade outside the bungalow and thereafter, the Accused No.2- Mother insisted that daughter- Swara should sleep on the sofa in the hall and thereafter, Accused No.2-mother used to go to the room of the Applicant. Said Swara had also informed the relatives that her mother used to humiliate the deceased by stating that “ये कुत्र्या ये भाकर खा” i.e. the Accused No.2- wife of deceased used to call him “Dog” and therefore, the deceased used to get disturbed. Daughter- Swara informed the relatives including the First Informant that

the mother and Applicant- Uddhav Mama used to quarrel with the deceased.

- xii. On 11th October 2024 daughter-Swara also informed First Informant and other relatives that on 08th October 2024 at about 04:00 p.m. the deceased and the Applicant-Uddhav Jadhav brought her from school to the said farm house and the deceased informed his wife that they would be going to the native place and the Accused No.2 - mother told the deceased that she would not be going to the native place and thereafter the mother and the Applicant started quarreling with the deceased. Thereafter, her mother i.e. Accused No.2-wife of deceased locked the daughter-Swara in the said farm house/bungalow and therefore, she saw the incident from a window. She had seen that the Applicant had held the hands of the deceased and the wife of the deceased was having a bottle of the Pesticide which is poison. After some time, the mother opened the door and told Swara that they would have to take the father to the hospital. Thereafter father was taken to the hospital at Pali. He

was given one injection at Pali and thereafter, doctor advised them to take the deceased to Alibag and therefore, deceased was taken to Alibag in Ambulance.

The deceased passed away on 09th October 2024.

8. In view of the above prosecution case, it is relevant to note the relevant portion of the said FIR which reads as under :-

“... दिनांक 11/10/2024 रोजी सकाळी 09.00 वाजताच्या सुमारास माझी मुलगी श्रीदेवी हरेश मटलानी उर्फ पिकी थोरात ही मयत मुलगा दिलीप याच्या सावडणे कार्यक्रमाकरीता आली होती. त्यावेळी नात स्वरा ही भरपूर रडत होती. तसेच सुनबाई मनिषाकडे देखिल जात नव्हती. त्यावेळी आम्ही तिला रडू नेकोस बाळा शांत हो असे म्हणालो. त्यावेळी तिने सांगितले की, "आम्ही उध्दव मामाच्या बंगल्यात असताना उध्दव मामा पप्पांना बंगल्यातल्या कपाटून दारूची बाटली देवून दारू प्यायला लावत होते. आणि रात्री बंगल्या बाहेरील शेडमध्ये झोपायला लावत होते. आई मला हॉलमधल्या सोप्यावर झोपवयाची व नंतर उध्दव मामाच्या रूममध्ये जायची. मम्मी पप्पांना ये कुठ्या ये भाकर खा असे बोलायची, मम्मी उध्दव मामांच्या रूम मध्ये जायची ते पप्पांना आवडत नव्हते म्हणून पप्पा नेहमी मम्मीला गावकड चल असे बोलायचे. पण मम्मी आणि उध्दव मामा हे पप्पांसोबत भांडण करायचे आणि त्यांना घालून पाडून बोलायचे, त्यामुळे पप्पांना भरपूर वाईट वाटत होते. 08 ऑक्टोबर मंगळवारी दुपारी 04.00 वाजताचे सुमारास पप्पा व उध्दव जाधव मला शाळेतून फार्महाउसवर घेवून गेले. तेव्हा पप्पा मम्मीला बोलले आपल्याला गावाकड जायचंय मम्मी बोलली मला नाय यायचंय. त्यानंतर मम्मी आणि उध्दव जाधव पप्पा सोबत भांडायला लागले, त्यावेळी मला मम्मीने बंगल्याच्या आत ढकलेले आणि बाहेरून दरवाजा लावून घेतला. तेव्हा मी खिडकीतून बघितले उध्दव आधवने पप्पाचे हात पकडले होते आणि मम्मीच्या हातात गवतावर फवारणी करण्याच्या औषधाची ब्राँटल होती. थोड्याच वेळात मम्मीन दार उघडले व दवाखान्यात जायच आहे असे सांगितले. मी

बाहेर येवून बघितल तेव्हा पप्पा जमिनीवर खाली बेशुध्द पडले होते. मामाच्या गाडीमध्ये पप्पाना घेवून आम्ही चौबेजण पालीच्या दवाखान्यात आलो. पालीच्या सरकारी दवाखान्यात एक इंजेक्शन दिले. तिथल्या डॉक्टरांनी पप्पाना अलिबागला घेवून जा सांगितले. तिथून अम्ब्युलन्समधून अलिबागला घेवून आले." अशी हकिगत नात स्वरा हिने जाम्हाला सांगितली. त्यावेळी तेथे बायको सिताबाई, मुलगी पंकी, छयाया, नातू निलेश, जय, सुनबाई मिना हे हजर होते. तरी मुलगा दिलीप सिताराम थोरात, वय 38 वर्षे, रा. लिबांगणेश, जि. बीड हा माहे जुलै 2024 ते दि.08/10/2024 रोजीच्या दरम्यान त्याची पत्नी सौ. मनिषा थोरात व मुलगी स्वरा थोरात, वय-1। वर्षे यांच्यासह उध्दव जाधव याच्या फणसवाडी, ता. सुधागड, जि. रायगड येथील फार्महाउसवर शेतीची कामे करीत असताना फार्महाउसचे मालक उध्दव जाधव व सुनबाई मनिषा थोरात यांच्यात प्रेमसंबंध झाले असल्याने ते दोघेही त्यास नाहक त्रास देवून घालून पाडून बोलत असल्याने त्याच्या जाचाला कंटाळून त्यांनी त्यास गवतावर फवारणी करण्याचे विशारी औषध पिवून आत्महत्या करण्यास प्रवृत्त केल्याने त्याचा मृत्यू झाला आहे. म्हणून मुलगा दिलीप सिताराम थोरात याच्या मृत्यूबाबत माझी उध्दव ग्यानबा जाधव, वय अंदाजे 57 वर्षे, रा. फणसवाडी, ता. सुधागड व मनिषा दिलीप थोरात, वय-15 वर्षे, रा. लिबांगणेश, जि. बीड यांच्या विरुध्द तक्रार आहे."

The English translation of the same is as follows :-

"... On the date 11.10.2024 at around 09.00 a.m., my daughter Shridevi Haresh Madlani alias Pinki Thorat had come for the obsequies viz. 'Savadane' of my deceased son Dilip. At that time, my granddaughter Swara was crying a lot and was not even going to my daughter-in-law Manisha. At that time, we told her : "Don't cry, baby. Calm down". Thereupon, she told us : "While we were staying in the bungalow of Uddhav Mama, Uddhav Mama would give liquor bottle from his cupboard and make my father to consume the liquor and he would make him to sleep in the shed outside the bungalow. My mother would make me sleep on the sofa in the hall and would thereafter go to Uddhav

Mama's room. My mother would say to my father : "Hey dog, come here, eat this 'Bhakar'". My father did not like my mother going to Uddhav Mama's room and therefore, my father would always tell mother : "Let us go to our village". But my mother and Uddhav Mama would always quarrel with my father and would talk to him insolently and as a result, my father would feel very bad about the same. On Tuesday, the date 8th October, at around 04.00 p.m., my father and Uddhav Jadhav picked me from the school and took me to the farmhouse. At that time, my father told my mother : "We have to go to our village". Thereupon, my mother said : "I don't want to come". Thereafter, mother and Uddhav Jadhav started quarreling with my father. At that time, mother pushed me inside the bungalow and closed the door from inside. At that time, I saw from the window that Uddhav Jadhav had caught hold of the hands of father and mother was holding the bottle of the drug used for spraying on the grass. After some time thereafter, mother opened the door and told me that we have to go to the hospital. Thereupon, when I came out, I saw that my father was lying on the ground in unconscious state. We put father in Mama's vehicle and we four of us came to the Government Hospital at Pali. In Government hospital at Pali, one injection was administered to my father and the doctor there asked us to take him to Alibag. From there, we brought him to Alibag by ambulance. My granddaughter Swara narrated the facts as aforesaid. At that time, my wife Sitabai, daughter Pinki, Chhaya, grandsons Nilesh and Jay and daughter-in-law Meena were present there.

Thus, during the period from July, 2024 to 08.10.2024, my son Dilip Sitaram Thorat, age : 38 years, resident of Limbaganesh, District Beed alongwith his wife Sau. Manisha Thorat and their daughter Swara Thorat, age : 11 years, was doing

agricultural works in the farmhouse of Uddhav Jadhav at Fanaswadi, Tal. Sudhagad, District Raigad and at that time, farmhouse's owner Uddhav Jadhav and daughter-in-law Manisha Thorat had love affair and therefore, they would unnecessarily harass him and would talk to him insolently and hence, being fed up of the harassment, they compelled him to consume poisonous drug being used for spraying on the grass and to commit suicide and he died of the same. Therefore, I lodge complaint against Uddhav Gyanba Jadhav, age : around 57 years, residing at Fanaswadi, Tal. Sudhagad and Manisha Dilip Thorat, age : 35 years, residing at Limbaganesh, District Beed for the death of my son Dilip Sitaram Thorat."

9. In the statement recorded under Section 183 of BNSS of daughter-Swara has specifically stated that deceased father had packed the bag and told the wife that they would go to the native place. At that time, deceased wife refused to accompany the Deceased and she threw the bag. Thereafter, the mother took Swara to the room and locked her and told the Applicant to hold the hands of the deceased and thereafter she took the bottle of the Pesticide and the same was poured in the mouth of the deceased. Thereafter, the deceased was kept in that condition for about 5 minutes and thereafter the deceased was taken to the hospital.

10. Dr. Warunjikar, learned Counsel appearing for the Applicant submitted that the FIR is lodged on 27th June 2025 although the

incident took place on 8th October 2024. Learned Counsel submitted that the even as per the prosecution case daughter-Swara informed the First Informant and other relatives about the incident on 11th October 2024 and inspite of the same the FIR is lodged on 27th June 2025. Thus, there is delay of about 8 months in recording the FIR. Learned Counsel also pointed out certain phone conversation between the family members of the deceased and the Applicant's - Nephew. The family members of the deceased were seeking compensation for the death of the deceased and they were alleging that otherwise complaint would be filed. Learned Counsel submitted that as the Applicant has not paid any amount, false FIR has been lodged. Learned Counsel also relied on certain conversation with the Police officials, wherein, police officials threatened the Applicant that the FIR would be lodged if the matter is not settled. Learned Counsel also pointed out the statement recorded of daughter-Swara (at Page 62) wherein she has stated that the Applicant had killed the deceased by administering the poison as also by assaulting him by dumbbells. He states that however, Post Mortem Report do not show any injury.

11. The perusal of the prosecution case and the material on record prima facie shows that the Applicant is involved in very serious crime. The allegations are very serious. The deceased and wife (Accused No.2) started working with the Applicant as agricultural labourer and cook respectively in or about April 2024. After about 3 months, extra-marital relationship developed between the Applicant and the Accused No.2-wife of the deceased. The same was objected by the deceased and deceased started insisting that they should return back to the native place and the same was opposed by the Accused No.2 i.e. wife as also the Applicant. As the Applicant was humiliated he alone returned back to the native place on 1st September 2024 and informed his father i.e. First Informant about the same and refused to go back. The deceased informed the father that everyday in the night the Applicant used to give liquor to the deceased and thereafter forced him to sleep outside the farmhouse in a shed and the Accused No.2 used to sleep in the said farmhouse and the Accused No.2 used to behave as per the say of the Applicant. Thereafter, the Applicant called the deceased and informed the deceased that he would be engaging another couple in place of the deceased and Accused No.2 and told him to return back and continue till the said couple

joins the duty. Therefore, the deceased again went to the said farmhouse. However, the Applicant had not done as per the assurance and as the deceased was insisting that the Accused No.2 and daughter-Swara shall return back to the native place along with him, the deceased was killed by the Applicant and the Accused No.2 by making a show that the deceased died by suicide. The Applicant held hands of the deceased and the Accused No.2 poured poison in the mouth of the deceased. Thus, the allegations against the Applicant and Accused No.2 are very serious. Accused No.2 is arrested and is in custody.

12. The perusal of the record shows that even before the incident in question the deceased was complaining with his father i.e. First Informant that his wife i.e. Accused No.2 is behaving in a strange manner and, therefore, he wanted to return back to the native place, however, the Applicant is not allowing the same to happen and wife of deceased was also opposing the same. Thus, there is material on record to show that the Applicant and the wife of the deceased are in an extra-marital relationship and deceased was objecting to the same and therefore the incident took place.

13. The material on record shows that, although, the deceased was insisting to return back to the native place the Applicant was opposing the same as also the wife of the deceased.

14. There is also some substance in the contention of Dr. Warunjikar, learned Counsel that the family members of the deceased were demanding compensation and the police were also insisting to settle the matter and there is delay in registering the FIR. However, the offence is very serious where the allegation is that the Applicant and the wife of the deceased i.e. Accused No.2 killed the deceased as they were involved in an extra-marital relationship. The daughter is a witness to the incident. It is also true that there is some improvement in the statement of the daughter-Swara.

15. However, all these reasons are not sufficient for not allowing the custodial interrogation in a very serious crime of murder. Various aspects pointed out by Dr. Warunjikar are required to be investigated.

16. The Supreme Court in the case *Nikita Jagannath Shetty @ Nikita Vishwajeet Jadhav v. State of Maharashtra*¹ has held that Anticipatory Bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. The Supreme Court has further observed that the grant of interim protection or protection to the accused in serious cases will lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. The said observations of the Supreme Court are squarely applicable to the present case.

17. The Supreme Court has further held in the case of *State Rep. By the C.B.I. v. Anil Sharma*² in Paragraph No.6 is as follows :

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in

1 2025 SCC OnLine SC 1489

2 (1997) 7 SCC 187

disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

(Emphasis added)

Thus, what the Supreme Court has held that, the custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who has been granted favourable order under Section 438 of the Code. It has been held that, in serious crime for effective interrogation of a suspected person custodial interrogation is necessary.

18. This is a case where the deceased and family of deceased is from very humble background. As the deceased and his wife were working as a labourer and cook respectively in the farm of the Applicant. The manner in which the FIR has been recorded clearly

shows that Applicant is a influential person as allegations of murder are converted into a case of suicide. The manner in which the offence is committed is also very relevant as although prima facie case is of murder, show is made that the deceased died by suicide.

19. Thus, no case is made out for grant of Anticipatory Bail. Accordingly, the Anticipatory Bail Application is dismissed.

20. Dr. Warunjikar, learned Counsel seeks continuation of protection granted by ad-interim order. However, as the offence is very serious, the said request is rejected.

21. It is clarified that various observations made in the Order are *prima facie* and only made for deciding the Anticipatory Bail Application.

[MADHAV J. JAMDAR, J.]