



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.27 OF 2025

(Prashant Haribhau Thakre Vs. State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.45 OF 2025

(Jeevan s/o Hiranman Gawali Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Y.P. Bhelande, counsel for applicant in ABA No. 27/2025

Mr. V.A. Thakare, APP for non-applicant/State

Ms. Naina Dhoke, counsel h/f Mr. M.V. Rai, counsel for applicant in ABA No. 45/2025

Ms. T.H. Udeshe, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/04/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.376/2024 registered with Police Station Kurha, District Amravati for the offence punishable under Sections 105, 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by Roshan Charandas Dhone on an allegation that deceased Vandana Charandas Dhone got missing on 08/10/2024, and thereafter her dead body was found in the agricultural field of one of the applicants, i.e., applicant namely Prashant Haribhau Thakre, in Criminal

Application No.27 of 2025. The dead body was found in a burnt condition as well as it was buried in a half-burnt condition. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that as far as the involvement of the present applicants is concerned, there is absolutely no material collected during the investigation to show their involvement. The arrest of the present applicants is on what basis is also not explained by the prosecution. As far as their custodial interrogation is concerned, which is not required. In view of that, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application on the ground that a woman was found in a buried condition, and the dead body was noticed by some of the labors and thereafter the investigation was started. It reveals during the investigation that the applicant – Prashant Thakre, is the owner of the agricultural land wherein the dead body of the deceased was found. He has protected his land by connecting the electric current on the fencing as well as the other applicant, Jeevan Gawali, has started the said electric connection, and therefore, the deceased has died, and to conceal themselves from the punishment, they have buried the dead body in a half-burnt condition. Thus, considering the nature of the offence, the application for anticipatory bail deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals during the investigation that the deceased was suffering from a mental disorder. She was in habit of roaming from one place to another. As far as the involvement of the present applicants is concerned, which is only on the ground that the agricultural field belongs to Prashant Haribhau Thakre, who has secured it with electric current on the fencing, whereas the applicant no.2 has started the same, which was the death of the deceased. Considering that, now every article from the agricultural field is seized. As far as the incarceration is concerned, which is not required as the investigation is practically completed and therefore, the interim protection granted to the present applicant by order dated 24/02/2025 deserves to be confirmed. In view of that, I proceed to pass the following order:

- a] The criminal applications are allowed.
- b] In the event of the arrest, the applicant in ***Criminal Application (ABA) No. 27/2025 namely Prashant Haribhau Thakre; and in Criminal Application (ABA) No. 45/2025 namely Jeevan s/o Hiranman Gawali*** in connection with Crime No.376/2024 registered with Police Station Kurha, District Amravati for the offence punishable under Sections 105, 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, shall be released on anticipatory bail on executing PR. bond of

Rs.25,000/- each with one solvent surety each in the like amount.

- c] The applicants shall attend the concerned police station once in a week i.e. on every Wednesday between 10.00 AM and 01.00 PM and shall cooperate with the investigating agency till filing of the charge-sheet..
- d] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.
- e] The applicants shall furnish their address names and of their two relatives with address before the investigating agency.
- f] The applicants shall not leave the jurisdiction of police station Kurha, District Amravati without prior permission of the District Court, Amravati.
- g] The contravention of any of the conditions would lead to the cancellation of bail.

6. The criminal applications are disposed of.

[URMILA JOSHI-PHALKE, J.]