



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.131 OF 2025
(Shubham s/o Kishor Chauhan 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. S.H. Samundre, Advocate for the applicant.
Mr. A. Ghongre, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 4, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 04/08/2023 in connection with Crime No.629/2023 registered with police station Darwha, District Yavatmal for the offences punishable under Sections 302, 307, 120-B read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Sunil Panjabrao Rathod that he was on official duty. He received a phone call wherein it was informed that one person is lying in the drainage in an injured condition having sustained injury on his head and blood was oozing from the injury. He immediately along with the staff reached at the spot. One person namely Pavan Ingle was present there and he shown the place where the injured person was lying. The injured was lying on Darwha to Rajura road in front of Ginning on the left side of the road in a drainage having injury on his face and head. At the spot where the injured was found lying one stone was found having blood stains on it and one broken

pistol was found which was a toy pistol. Thereafter the complainant suspected that somebody has committed the murder. He has removed the injured into the hospital and on behalf of the State he has lodged the report against the unknown person. During investigation it revealed that the wife of the deceased was having illicit relations with the co-accused Shankar Chavhan. She was ill-treated by the deceased which is disclosed by her to the co-accused Shankar Chavhan. Shankar Chavhan has engaged the present applicant and through the present applicant the deceased was eliminated. On the basis of the said report, police have registered the crime as well as the investigation is completed and charge-sheet is filed.

3. Learned Counsel for the applicant submitted that the entire case is based on the circumstantial evidence. There is absolutely not a single circumstance which connects the present applicant with the alleged offence. Now, investigation is already completed and charge-sheet is filed. He placed reliance on the decision of the Hon'ble Apex Court in the case of ***Balkrishna Tukaram Angre Vs. The State of Maharashtra [2018 ALL MR (Cri) 1388 (S.C.)]*** wherein the Hon'ble Apex Court has considered that the entire case of the prosecution based on the circumstantial evidence and released him on bail.

4. Learned APP for the State strongly opposed the application and submitted that the present applicant was intercepted in a suspicious circumstances. During the interrogation with him at his instance, the motorcycle of

the deceased was seized. The death of the deceased is caused due to the head injury. Total 16 injuries are found on his person. The CDR reports also shows the communication between the present applicant and other co-accused. Thus, there is sufficient material to connect the present applicant with the alleged offence.

5. I have heard learned Counsel for both the parties. On perusal of the entire investigation papers and the memorandum statement of the accused it reveals that the motorcycle of the deceased was seized at the instance of the present applicant on the basis of the memorandum statement recorded by the Investigating Officer during the investigation. The CDR reports are also collected during the investigation which shows the communication between the present applicant and other co-accused at the relevant time. At this stage, there is sufficient material to connect the present applicant with the alleged offence. As far as the case law on which the applicant placed reliance on the facts are not identical with the present case, therefore, it is not helpful to the present applicant. Considering the *prima facie* material is against the present applicant as far as his involvement in the crime is concerned. At this stage, the applicant has not made out a case for grant of bail. Hence, the application deserves to be rejected.

6. The application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)