



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

CRIMINAL APPLICATION (BA) NO.189 OF 2025

Kuwarlal @ Bhuru s/o Ramchand Idpache
Vs.

State of Maharashtra, through Police Station Officer, Police Station
Goregaon, District Gondia

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V. R. Borkar, Counsel for the applicant.
Ms. M. A. Barabde, APP for non-applicant/State

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/04/2025

1. The applicant came to be arrested on 04.05.2024 in connection with Crime No.200/2024 registered with Police Station Goregaon, District Gondia for the offence punishable under Sections 302 and 120-B of the Indian Penal Code and under Sections 3(1)(2) of the Maharashtra Prevention of Eradication of Human Sacrifice and other Inhuman Evil and Aghori Practices and Black Magic Act, 2013.

2. The crime is registered on the basis of report lodged by the complainant stating therein that on 01.05.2024 the mother-in-law of the informant after taking dinner at the reception of Kartik Chachare came back to home. She and the husband of the informant went to sleep. The informant's husband did not latch the door of the house. On

02.05.2024 at 3.00 to 3.30 a.m. the mother-in-law of the informant woke up and saw that the deceased was lying in the pool of blood near the door in a dead condition. So, she had been to the house of Nandlal Idapache and narrated to him about the said fact. The wife the deceased went to attend the marriage at Bhusaritola and from there to Mudharitola. The son of the informant told her to visit his house immediately because he received call from his uncle that his father is not feeling well. She immediately rushed to the house and saw her husband in injured condition. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant, who submitted that initially the FIR is lodged against the unknown person and subsequently, her supplementary statement was recorded wherein she first time disclosed that her husband was threatened by the present applicant and other co-accused. He submitted that during the investigation, except the seizure of the incriminating weapon i.e. axe. and the handle of the axe was having mud on it, the applicant was arraigned as an accused. He submitted that except the discovery panchanama at the instance of the present applicant, there is no other material to connect the present applicant with the alleged offence. Thus, considering the case is based on the circumstantial evidence and the chain of the

circumstances is not completed. In view of that, now the investigation is completed, charge-sheet is filed and further incarceration of the application is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that prior to the incident the deceased was threatened by the present applicant and other co-accused. At the instance of the accused, the axe was seized. The offence is of a serious nature. Considering the same, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers it appears that the entire case is based on the circumstantial evidence. The only circumstance on which the prosecution relied upon is the recovery of axe which is not having blood stains. Thus, except the discovery at the instance of the present applicant, there is no other material to connect the present applicant. The informant has not also raised any suspicion initially. Considering the nature of the evidence, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Kuwarlal @ Bhuru s/o Ramchand Idpache** shall be released on bail in connection with Crime No.200/2024 registered

with Police Station Goregaon, District Gondia for the offence punishable under Sections 302 and 120-B of the Indian Penal Code and under Sections 3(1)(2) of the Maharashtra Prevention of Eradication of Human Sacrifice and other Inhuman Evil and Aghori Practices and Black Magic Act, 2013, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall not enter into the vicinity of village Mhasgaon, Gondmohalla, Taluka Goregaon, till the culmination of the trial.

(iv) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)