



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

CRIMINAL APPLICATION (ABA) NO.120 OF 2025

Ashish s/o Subhash Ingle
Vs.
State of Maharashtra and another

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

Court's or Judge's orders

Ms. Sunanda P. Nimbalkar, Counsel for the applicant.
Ms. T. H. Udeshi, APP for the non-applicants/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/03/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.733/2024 registered with Chikhli Police Station, District Buldhana for the offences punishable under Sections 109, 103(1) and 60(2)(a) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Keshav Bhanudas Mahale cousin brother of the deceased, on an allegation that deceased Savita and the co-accused Samadhan Suradkar are the husband and wife. There was a matrimonial dispute between them since 2019 and several disputes were pending in the Court. As the co-accused got annoyed regarding the dispute, and therefore, he hatched the conspiracy with the present

applicant and in pursuance of the said conspiracy, the deceased dashed by the car which was driven by the co-accused, in which she has sustained injury on her head and succumbed to the death. On the basis of the said report, police have registered the crime against the other co-accused and present applicant.

3. Heard learned Counsel for the applicant, who submitted that the present applicant is not named in the FIR. In a subsequent statement recorded of the informant, who only alleged that the present applicant was the part of the conspiracy and in pursuance of the said conspiracy, the co-accused committed the murder of the deceased. He submitted that as far as the conspiracy is concerned, there is no direct or indirect evidence to connect the present applicant with the said conspiracy. He submitted that except CDR reports, there is no other material collected by the investigating agency. As far as the CDR reports are concerned, it is not unnatural as there is a relationship between the co-accused Samadhan Suradkar and the present applicant therefore, that itself is not sufficient to connect the present applicant with the alleged offence. In view of that, the applicant be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that by hatching the conspiracy, the deceased was eliminated by the

co-accused. As far as the role of the present applicant is concerned, it reveals from the CDR reports that he hatched the conspiracy with the co-accused. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, admittedly the present applicant was not named in the FIR, subsequently, supplementary statement of the informant was recorded, wherein he first time alleged that the present applicant and the other co-accused had hatched the conspiracy and in pursuance of the said conspiracy, committed the murder of the deceased. As far as this allegation is concerned, admittedly, no direct evidence would be available against the present applicant. As far as the conspiracy is concerned, there should be some material on record to show the involvement of the present applicant in the conspiracy. Mere CDR reports are not sufficient to infer that the present applicant was a part of the conspiracy. Moreover, the investigation is yet to be carried out. As far as the involvement of the present applicant in conspiracy is concerned, at this stage, considering the nature of the material which is collected during the investigation, the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.

(ii) In the event of arrest, the applicant shall be released on anticipatory bail, in connection with Crime No.733/2024 registered with Chikhli Police Station, District Buldhana for the offences punishable under Sections 109, 103(1) and 60(2)(a) of the Bharatiya Nyaya Sanhita, 2023, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall attend the concerned Police Station twice in a week on Monday and Thursday in between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

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

(v) The applicant shall furnish his cell phone number and address along with the names of his two relatives and their address along with the address proof.

(vi) The applicant shall not leave the jurisdiction of the Aurangabad District where he is residing except the permission of this Court.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)