



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

CRIMINAL APPLICATION(BA) NO. 278 OF 2025

Rahul @ Akash Ramdas Date Vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.S.V.Sirpurkar a/w Mohan Agrawal, counsel for the
applicant.
Ms.Trupti Udeshi, APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 07/10/2025

1) Heard.

2) By this application, the applicant has prayed for regular bail in Crime bearing No. 236 of 2024 registered at Tamgaon Police Station, district Buldhana for the offence punishable under Sections 103(1), 238, 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3) The prosecution case in brief is as under:-

The informant Santosh Shriram Thorat, has lodged the complaint as the human body was covered with stones and sand in the Vaan river bed of Katel shivar and feet of the body were visible. Therefore, Vilas Gote PSI along

with Police Staff and Naib Tahsildar Sangrampur, went to the scene and inspected the unknown human corpse. It was found that, it was a decomposed body. There was a foul smell. Postmortem of the body was carried out on the spot. From the label of the shirt, the tailor has identified the person and it was found that before four to five days there was a dispute between the deceased and his son, who is the accused no.1 in this crime. The accused No.1 was arrested. During interrogation, accused no.1 has given the confessional statement and has disclosed the name of the present applicant. The crime is registered against both of them.

4) The learned counsel appearing for the applicant, has urged that, the statement of the co-accused is inadmissible. The role attributed to this applicant is that he carried the dead body on his vehicle. The offence under Section 238 of the Bharatiya Nyaya Sanhita will be attracted against this applicant. Said offence is bailable. On the basis of the statement of co-accused, crime came to be registered. The investigation is almost completed and charge-sheet is also filed. Further custody of this applicant is not required. Hence, prayed to release the applicant on bail.

5) Learned APP has opposed the application stating that the co-accused has mentioned the role of this applicant. The

son of the deceased Pramod @ Shubham, who is the main accused has mentioned the name of this applicant who has acted as an accomplice. He has helped the main accused to destroy the evidence of the murder. Hence, prayed to reject the application.

6) Heard both the sides.

7) The name of this applicant is disclosed in the statement made by the co-accused Pramod @ Shubham, who is the main accused. He has stated about the role of the present applicant. Even from the role of this applicant, it appears that the offence under Section 238 will be attracted, which is bailable offence. Considering the nature of the offence and as the name of this applicant is disclosed in the statement made by the co-accused, which is not admissible, case is made out to release the applicant on regular bail.

8) Accordingly, I pass the following order:

i) Criminal application is allowed.

ii) Applicant- Rahul @ Akash Ramdas Date be released on bail in Crime bearing No. 236 of 2024 registered at Tamgaon Police Station, district Buldhana for the offence punishable under Sections 103(1), 238, 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 on his furnishing P.R.

Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall co-operate the Investigation Officer.

The Criminal Application stands disposed of accordingly.

JUDGE