



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

CRIMINAL APPLICATION (BA) NO.345 OF 2025

Namdeo s/o Kashinath Dhanvijay

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Sindewahi, District Chandrapur

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

Court's or Judge's orders

Mr. S. V. Sirpurkar, Counsel for the applicant.
Mr. Anant Ghogare, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/06/2025

1. Present application is preferred by the applicant for grant of bail in connection with Crime No.348/2024 registered with Police Station Sindewahi, District Chandrapur for the offence punishable under Sections 103, 140(3), 3(5), 61(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of report lodged by Sanjay Hiranman Khobragade brother of the deceased on an allegation that there was a previous dispute between the present applicant and his family members on account of the agricultural land. Previous one crime was registered against the present applicant on the basis of the complaint filed by his family members. The present applicant allegedly threatened the deceased as to his death.

On the day of incident i.e. on 13.09.2024, his nephew informed him that his father is missing and there is no contact between him and the other family members. On 12.03.2024 two unknown boys came to home and disclosed that one dead body was found and thereafter they came to know that the deceased Nandu Khobragade is no more. He has raised the suspicion against the present applicant and therefore, the present applicant is arrested.

3. Heard learned Counsel for the applicant who submitted that the entire case is based on the circumstantial evidence. Merely on suspicion the applicant is arraigned as an accused. During the investigation, the dead body of the deceased was though forwarded to postmortem examination, however, the cause of the death was not ascertained by the Medical Officer. He submitted that except the CDR report, there is no other material to connect the present applicant with the alleged offence along with the other co-accused. He invited my attention towards various statements and CCTV panchanama and submitted that none of the statements as well as the CCTV panchanama discloses that at any point of time, the present applicant was seen in the company of the deceased. Merely on the basis of the suspicion he is arraigned as an accused. Now, the investigation is already completed, charge-sheet is already filed and further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that the CDR report collected of the present applicant with the other co-accused and in furtherance of common intention, which was shared by them by hatching the conspiracy, the deceased was eliminated. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that the entire case is based on circumstantial evidence. Only the circumstance that is the CDR report between the present applicant and the other co-accused, there is no other material collected by the investigating agency to connect the present applicant. As far as the CDR report is concerned, the other two accused and the present applicant are from the same village and therefore, it is not uncommon to have a communication between them. The cause of death is also not revealed during the investigation as the postmortem report nowhere shows the cause of death, on the contrary, the opinion is reserved. Admittedly, there would not be direct evidence as far as the conspiracy is concerned, but there has to be some evidence to connect the present applicant to show his involvement in the conspiracy. Considering the nature of the material which is collected during the investigation, at this stage, 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 **Namdeo s/o Kashinath Dhanvijay** shall be released on bail in connection with Crime No.348/2024 registered with Police Station Sindewahi, District Chandrapur for the offence punishable under Sections 103, 140(3), 3(5), 61(2) of the Bharatiya Nyaya Sanhita, 2023, on executing PR Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not enter into the vicinity of village Saradpar Chak, Taluka Sindewahi, District Chandrapur, till the culmination of 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.)