



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

CRIMINAL APPLICATION (BA) NO. 340 OF 2024

Mahesh Ashok Khojone VS. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr.R.M.Daga, Advocate for the applicant
Ms Mrunal Barabde, APP for the State

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 18/09/2025

Heard finally.

2. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 by the applicant/ accused No.1 seeking bail in Crime bearing No.249 of 2022 registered at Police Station Shirajgaon Kasba, district Amravati for the offences punishable under Sections 302, 376(D) and 506 read with 34 of the Indian Penal Code.

3. It is alleged that on the date of the marriage, daughter of the informant, was found missing on 06/07/2022. The father had lodged the missing complaint on 12.07.2022. The body of the deceased was found in a well. Thereafter, on 17.07.2022, the First Information

Report was lodged against the applicant and the another accused as the phone calls and SMS were seen from the mobile of applicant on the Mobile of the deceased before the period of her missing. The father of the deceased has lodged the complaint and the crime is registered.

4. The learned counsel for the applicant has stated that the post-mortem report does not disclose the cause of death. Daughter of the informant died due to drowning. The body was decomposed. Only because, the applicant was having love affair with a girl and there were messages from the applicant, the father has suspected that accused has caused the death of his daughter and has lodged the complaint.

5. In the earlier reports, he had no doubt about the applicant as name was not mentioned. This Court has already released the co-accused on bail. The allegations, which are made against both of the accused are similar and it is on the basis of suspicion. Nothing is there on record to connect the accused with the said offence. Homicidal death is also not made out in this case. Since 2022, the applicant is in jail. The trial is not yet initiated against the applicant. Hence, prayed to release the applicant on bail.

6. The learned APP has opposed the application stating that it is the case of murder. The spot panchnama shows that there were pieces of bangles, broken hair pin and one Tavisé was found near the well. As the body was decomposed, the cause of death was not given by the Medical Officer. But the circumstances shows that it is homicidal death. The applicant has given the statement about the commission of rape and murder by both the accused. As the offence is serious in nature, prayed to reject the application.

7. Heard the learned counsel appearing for the applicant and the learned APP for the State.

8. On the date of the marriage, in the morning the deceased left the house at about 5.00 a.m. for answering the nature's call. She did not return, thereafter, missing report was lodged. It appears from the missing report that applicant was not suspected, his name was not mentioned by the father of the deceased. Though the bridegroom has received the phone call from this applicant, informing about their love affair, and giving threats, he has not disclosed even after the death of the deceased on 12.07.2022. The body was found and on 17.07.2022, report was lodged alleging about offence naming this applicant. Though the statement of the accused

is there and from the statement, the crime is registered, it cannot be read in evidence and therefore, it cannot be considered at this stage of bail. The co-accused is already released on bail. As the trial is not yet initiated since, last three years and considering the circumstances, the case is made out to release the applicant on bail.

9. In the facts and circumstances, case is made out to grant bail. Accordingly, I pass the following order:

i) The Criminal application is allowed.

ii) Applicant – Mahesh Ashok Khojone be released on bail in Crime No. Crime bearing No. Crime bearing No.249 of 2022 registered at Police Station Shirajgaon Kasba, district Amravati for the offences punishable under Sections 302, 376(D) and 506 read with 34 of the Indian Penal Code on his furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with solvent surety in the like amount before the trial Court.

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 learned trial judge in the conduct of the trial.

Vi] The applicant shall not enter into the village Shirajgaon Kasba, district Amravati,

10. The Criminal Application stands **disposed of** accordingly.

JUDGE