



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

CRIMINAL APPLICATION (BA) NO.473 OF 2025

(Rahul s/o Bhagwan Tapase Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.M. Mane Patil, Advocate for the applicant.
Mr. N.R. Rode, A.P.P. for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 15, 2025.

By preferring this application, the applicant is seeking bail as he came to be arrested on 06/03/2023 in connection with Crime No.160/2023 registered with Police Station Umarkhed, District Yavatmal for the offence punishable under Sections 302 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by the brother Ankush Narayan Mirashe on an allegation that on 02/03/2023 at about 8.30 AM his elder brother disclosed to him that his son Gopal has left on 01/03/2023 and not returned back. On 05/03/2023, the dead body of Gopal was found and there were injuries on his person. On the basis of the same, the crime was registered against the unknown person.

3. Learned Counsel for the applicant submitted that except the last seen evidence and the recovery of the knife, there is no other material to connect the present applicant with the alleged offence. Now, CA report is

received. The CA report nowhere shows that there were blood stains on the said knife. There is a long gap between the last seen by the witness and the finding of the dead body, therefore, the intervention of any other person in between the period cannot be ruled out. Now, investigation is completed and charge-sheet is filed. The applicant is behind bar since 06/03/2023 and trial is yet to be commenced. In view of that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that the investigation papers shows that one statement of Ankush Narayan Mirashe discloses that the applicant was found in the company of the deceased prior to the incident. The knife is recovered at the instance of the present applicant. Thus, circumstantial evidence sufficiently shows his involvement in the alleged offence. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides and on perusal of the investigation papers, it reveals that Ankush Narayan Mirashe is the witness of last seen. As per his statement he has seen the deceased and the present applicant in the company on 01/03/2023 and subsequently the dead body was found on 05/03/2023. Thus, there was a long gap between the last seen with the deceased and the finding of dead body. The knife seized at the instance of the present applicant and which was referred for the chemical analysis, no blood stains are found on the said knife also. Admittedly, the said knife is

recovered from the drain, and therefore, there is no possibility of having blood stains on it. Considering the entire case is rested on circumstantial evidence and only two circumstances on which prosecution is relied upon, at this stage, the investigation is completed and charge-sheet is filed, the trial is yet to be commenced. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Rahul s/o Bhagwan Tapase in connection with Crime No.160/2023 registered with Police Station Umarkhed, District Yavatmal for the offence punishable under Sections 302 of the Indian Penal Code, be released on bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall not enter into the vicinity of village Baladi, Tahsil Umarkhed, District Yavatmal till the culmination of the trial.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case either personally or by way of electronic media.

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

(vi) The applicant shall furnish his detailed address along with the address proof wherein he is intending to reside after he is released on bail, before the investigation agency.

(vii) A single incident of tampering of the witnesses would lead to the cancellation of bail.

6. The contravention of any of the condition imposed by this Court would lead to the cancellation of bail.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)