



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

CRIMINAL APPLICATION (BA) NO.458 OF 2025
(Santosh s/o Subhash Ingle Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. S.P. Nimbalkar, Advocate for the applicant.
Mr. D.V. Chauhan, Public Prosecutor (Senior Advocate) a/b Mr. N.B.
Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MAY 9, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 03/10/2024 in connection with Crime No.733/2024 registered with Police Station Chikhali, District Buldhana for the offences punishable under Sections 109, 103(1) and 61(2)(a) of the Bharatiya Nyaya Sanhita, 2023 and Section 182 of the Motor Vehicles Act, 1988.

2. The crime is registered on the basis of report lodged by Keshav Bhanudas Mahale who is the 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 applicant dashed the car of the

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

3. Learned Counsel for the applicant submitted that only allegation against the present applicant is that he has followed the deceased when she was proceeding in her car along with her relatives and the applicant is 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 except the CDR reports. As far as the CDR reports are concerned, it is not unnatural as there is a relationship between the co-accused and the present applicant, and therefore, that itself is not sufficient to connect the present applicant with the alleged offence. In view of that, the applicant be released on 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 was part of the conspiracy. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that 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 already completed. Further incarceration of the applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicant – Santosh s/o Subhash Ingle in connection with Crime No.733/2024 registered with Police Station Chikhali, District Buldhana for the offences punishable under Sections 109, 103(1) and 61(2)(a) of the Bharatiya Nyaya Sanhita, 2023 and Section 182 of the Motor Vehicles Act, 1988,

be released on bail, on executing 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 Chikhali, District Buldhana till culmination of the trial.

(iv) The applicant shall attend the proceedings 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 either personally or by way of electronic media.

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

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)