



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

CRIMINAL APPLICATION (BA) NO.472/2025

Bhushan s/o Suresh Kharat

..VS..

The State of Maharashtra, thr.PSO PS Janephal, Buldhana

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

Court's or Judge's Order

Shri S.V.Sirpurkar, Counsel for the Applicant.

Shri Nitin Rode, Additional Public Prosecutor for the State.

CORAM : URMILA JOSHI-PHALKE, J.

CLOSED ON : 15/07/2025

PRONOUNCED ON : 21/07/2025

1. By this application under Section 483 of the BNSS, the applicant seeks regular bail in connection with Crime No.204/2024 registered with the non-applicant/police station for offences under Sections 302 and 365 read with 34 of the IPC.

2. The applicant came to be arrested on 11.7.2024 and since then he is in jail.

3. The crime is registered on the basis of a report

lodged by Jyoti Dilip Ingle, the wife of the deceased, alleging that her husband was working as a “Money Rain Pourer”. On 22.6.2024, at around 3:00 pm, he left the house by informing her that he is travelling to Ahmednagar for the work related to money rain accompanied by the applicant and one Sandip Shewale, but he did not return until 27.6.2024 and, therefore, she lodged missing report 27.6.2024. During enquiry of the missing report, it revealed that her husband has left in “Swift Desire Car MH-03/BH/1824 along with the applicant and Sheikh Sajid Sheikh. They travelled to Shirdi and were waiting at Nashik Fata. At around 7:00 pm, another car arrived with three unknown individuals. The informant was informed by Sandip Shewal, who was along with the deceased, that the deceased informed that he is proceeding at Kokandhan for the said money rain event. Thus, said Sandip and the deceased proceeded in the vehicle. The applicant was also along with them. At around 10:30 to 11:00 pm, when they reached near SJS Hospital, another four-wheeler

approached them and 4-5 persons got down from the vehicle and assaulted her husband. They forcibly took him in their vehicle and abducted him. Subsequently, the dead body of the deceased was found at Rashin-Karjat and, therefore, the offence was registered on the basis of the report lodged by the wife of the deceased alleging against the other co-accused.

4. During investigation, involvement of the applicant revealed in the conspiracy and, therefore, he is also arraigned as an accused.

5. Heard learned counsel Shri S.V.Sirpurkar for the applicant and learned Additional Public Prosecutor Shri Nitin Rode for the State.

6. Learned counsel for the applicant submitted that the entire case is based on circumstantial evidence. Except the statement of co-accused, not a single circumstance is on record to *prima facie* establish involvement of the applicant in the conspiracy. Though the applicant allegedly is

involved in the assault on the deceased, no circumstance is on record to show that his involvement was in the assault and he was part of the conspiracy. Now, investigation is completed and chargesheet is filed. Hence, the applicant deserves to be released on bail.

7. *Per contra*, learned Additional Public Prosecutor for the State submitted that the deceased and one Amol Rajput were involved in the activity like money rain and some dispute arose between the deceased and said Amol on account of money transaction. Therefore, said Amol hatched conspiracy with co-accused Sandip and the other co-accused. As per the conspiracy, the deceased was taken by the applicant and other co-accused at Kopargaon whereat they are contacted by the persons who came in another vehicle. Thereafter, the deceased was taken at Kokandhan for the event of money rain. At Kokandhan, in one vehicle, four persons came there and assaulted the deceased and the deceased was taken in the vehicle and,

thereafter, the dead body of the deceased was found.

As far as the applicant is concerned, he came in the another vehicle along with the other co-accused along with weapons. The involvement of the applicant revealed from the statement of one Pawan Anil Palaskar, who runs a shop at Kolhar (Burd), taluka Rahata, district Ahmednagar, which shows that the applicant has purchased six fiber logs from his shops. The said fiber logs are seized at the instance of the co-accused Babu Maroti, which were alleged weapons used in assaulting the deceased.

In addition to that, the CDRs on record show that on the day of the incident, i.e. 22.6.2024, the location of the applicant was seen to be at Taluka Rahata, district Ahmednagar from 83852 to 85037. The dead body of the deceased was found at Karjat, district Ahmednagar.

Thus, involvement of the applicant in the alleged incident reveals from these two circumstances.

The case diary entry shows that the applicant is resident of Khandala, district Satara. The said weapons are already forwarded for the chemical analysis. The report of the Chemical Analysis is yet to be received.

In view of that, he prays for rejection of the application.

8. After hearing both the sides and perusing the investigation papers, the involvement of the applicant reveals on the basis of statement of Pawan Anil Palaskar and CDRs. The statements of witnesses further reveal that there was enmity between co-accused Amol and the deceased on account of money transaction. On the say of this co-accused Amol, the deceased was taken in vehicle by the co-accused. There were continuous communications with conspirator Amol and other co-accused and the deceased and co-accused Amol.

9. As far as circumstance showing involvement of the applicant is concerned, the same shows that the

deceased was taken in taluka Rahata, Kopargaon district. The location of the applicant on the relevant date 22.6.2024 was also shown to be at taluka Rahata. The statement of one Pawan Palaskar resident of Kolar (Burd), taluka Rahata shows that the applicant has purchased the fiber logs from his shop and receipt thereof is also on record.

10. Admittedly, direct evidence would not be available as far as conspiracy is concerned. The circumstances show the applicant and other co-accused went with the deceased, communication between the co-accused and the applicant and other co-accused, statements of the witnesses showing the meeting of the applicant, and other co-accused prior to the incident, and CDRs etc..

11. As far as the applicant is concerned, these two circumstances sufficiently show his involvement in the alleged incident.

12. Learned counsel for the applicant placed reliance

on the decision of the Hon'ble Apex Court in the case of **Jalendra Sarswati Swamigal vs. State of Tamil Nadu, reported in (2005)2 SCC 13** wherein it is held that considerations normally weigh with the Court in granting bail in non-bailable offences have been explained, basically they are, the nature and seriousness of the offence; the character of the evidence; circumstances which are peculiar to the accused; a reasonable possibility of the presence of the accused not being secured at the trial; reasonable apprehension of witnesses being tampered with; the larger interest of the public or the State, and other similar factors which may be relevant in the facts and circumstances of the case.

He further placed reliance on the decision of the Hon'ble Apex Court in the case of **Laxman Prasad vs. State of Maharashtra, reported in SCC OnLine SC 743** wherein after re-appreciation of the evidence, it is held that as per the settled law, in case of circumstantial evidence, chain

has to be completed in all respects as to indicate guilt of accused.

He further placed reliance on the decision of the Hon'ble Apex Court in the case of **Dipakbhai Jagdishchandra Patel vs. State of Gujarat and anr, reported in (2019)16 SCC 547** wherein issue as to confessional statements of co-accused, when not corroborated by material evidence, the proceeding is quashed.

13. On going through the entire decisions, considerations for bail are required to be looked into.

14. There is no dispute that the deceased died homicidal death. The manner in which the death is caused shows gravity of offence. The circumstances, that the applicant purchased the weapons and receipt thereof bears his name and CDRs show his location at Rahatala, from which place the deceased was taken, at this stage, are sufficient to show his involvement in the alleged incident.

15. Thus, considering gravity of the offence, the

application deserves to be rejected and it is **rejected**.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!