



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

CRIMINAL APPLICATION (BA) NO.537 OF 2025

Manish Sharad Bhakare

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Ramdaspath, District Akola

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

Court's or Judge's orders

Mr. Z. Z. Haq, Counsel for the applicant.

Mr. N. R. Rode, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 27/06/2025

1. The applicant came to be arrested on 18.04.2024 in connection with Crime No.167/2024 registered with Police Station Ramdaspath, District Akola for the offence punishable under Sections 302 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Rushikesh Sanjay Gaikwad on an allegation that the deceased is his younger brother. On 17.04.2024, his younger brother left the house and returned back at about 12.30 a.m. in the midnight. After some time, his 2 – 3 friends came in front of the house and the deceased went along with them. As the informant suspected that something is happened between them, therefore, he immediately followed them and it revealed to him that the deceased is lying in the pool of blood and came to

know that the present applicant, the other co-accused including child in conflict with law have committed the murder. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant who submitted that two crimes are registered against the present applicant vide Crime No.166/2024 and 167/2024. The difference between the timings of the two incidents are only 15 to 20 minutes. In both the crimes, the applicant is shown as an accused. It is highly impossible for the present applicant to remain present at two different places where two different incidents have taken place. The other co-accused is released on bail by this Court. Thus, on the ground of parity also, the present applicant shall be released on bail. He further submitted that except the statement of the informant that he has seen the present applicant proceeding on the motorcycle, there is no other material to connect the present applicant with the alleged offence. Now the investigation is already completed, charge-sheet is filed and further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application and submitted that there is not only the circumstantial evidence, but the direct evidence is also there showing the involvement of the present applicant. The blood stained clothes and blood

stained weapon is seized at the instance of the present applicant. The deceased has sustained the multiple injuries i.e. 22 in nature and the death of the deceased is due to the multiple injuries. Thus, considering the gravity of the offence, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that the circumstantial evidence in the nature of blood stained clothes and blood stained weapon, which is recovered at the instance of the present applicant. In addition to that, there is eye witness i.e. mother of the deceased, who has narrated about the incident and shows the involvement of the present applicant. As far as the ground of parity is concerned, the role attributed to the other co-accused, who is released on bail is completely different, whereas the prime role is attributed to the present applicant. Considering the gravity of the offence, which shows that the deceased has sustained 22 injuries and death is due to the multiple injuries, the application deserves to be rejected. Accordingly, I proceed to pass following order.

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)