



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

CRIMINAL APPLICATION (BA) NO. 566 OF 2025

Ayush s/o Manoj Pethe 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. Sumit Kishor Tarudkar, counsel for applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 30/06/2025.

1. The applicant is arrested on 08/03/2024 in connection with Crime No. 92/2024 registered with Police Station Wathoda, District Nagpur for the offence punishable under Sections 302, 120-B, 211, 201 read with Section 34 of the Indian Penal Code, 1860.

2. Heard learned counsel for the applicant, who submitted that crime is registered on the basis of a report lodged by Neha Sao, who alleged that her brother, namely Aryan, was having an affair with one girl. However, that girl was having an affair with the co-accused - Avesh, and on that count, the co-accused and brother of the complainant have some dispute, and on that count, he is eliminated by the present applicant and other co-accused. On the basis of the said report, police have registered the crime against the present applicant and other co-accused. He further submitted that the entire case is based on circumstantial evidence, except the statement of the co-accused, there is no

other material to connect the present applicant with the other alleged offence.

3. He submitted that nothing is recovered from the present applicant. Now, investigation is completed, and the charge-sheet is already filed. There is no single circumstance 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 the applicant and other co-accused hatched the conspiracy, and in pursuance of the said conspiracy, the other co-accused was having the affair with the girl with whom the deceased was also having an affair, therefore, the deceased was eliminated. Considering the nature of the evidence and cause of death of the deceased shows that it is a homicidal death. Though investigation is completed, there is every likelihood of tampering of prosecution witnesses, in view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that the report is lodged on the basis of suspicion. During the investigation, the other co-accused-Avesh, is arrested, and on the basis of the statement of that Avesh, the present applicant came to be arrested. As far as the role of the present applicant is concerned, it is merely on the basis of the statement of the co-accused. There is no dispute that 32 injuries are found on the person of the deceased, but as far as the involvement of the present

applicant is concerned, there is no single circumstance to connect the present applicant with the alleged offence, except the statement of the co-accused. Considering the nature of the evidence, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order.

- a] Criminal application is allowed.
- b] The applicant – ***Ayush s/o Manoj Pethe***, shall be released on bail in connection with Crime No. 92/2024 registered with Police Station Wathoda, District Nagpur for the offence punishable under Sections 302, 120-B, 211, 201 read with Section 34 of the Indian Penal Code, 1860, on executing P.R. Bond of Rs. 50,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter into the jurisdiction of Wathoda Police Station, till culmination of the trial.
- d] The applicant shall furnish on record the detail address along with the address proof wherein he is intending to reside after he released on bail.
- e] The applicant shall attend the proceedings before the Sessions Court without seeking

any exemption unless there are exceptional circumstances.

- f] The applicant shall not indulge himself in similar type of the activities.
- g] A single registration of the offence would lead to the cancellation of bail.
- h] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

Criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]