



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

CRIMINAL APPLICATION (BA) NO. 653/2025

Babasaheb Shamrao Mhaske Vs. State of Maharashtra

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

Court's or Judge's orders

Mr. P. M. Pande, Advocate for the Applicant.

Mr. D. V. Chauhan, Senior Advocate/Public Prosecutor for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 25/09/2025.

. Heard.

2. The applicant is arrested in Crime No.130/2025 registered at Police Station Deulgaon Raja, District Buldhana for the offences punishable under Sections 103(1) read with Section 61(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case in brief is as under :

On 29.03.2025, the deceased namely Dnyaneshwar was found dead in his four-wheeler with a ligature mark on his neck. The cousin of the deceased informed the police and the crime is registered against the unknown person.

4. The learned Counsel for the applicant has stated that the case is relied on the circumstantial evidence. Last seen theory is applied here. It is alleged that there was illicit relation of this applicant with the wife of the deceased. On the date of incident, the applicant along with co-accused had consumed liquor with deceased in Ambar Bar and thereafter, on the basis of last seen theory, the applicant was arrested. The learned Counsel for the

applicant further stated that there is no evidence to connect the applicant to this offence. The statements are not corroborating. There is no recovery from this applicant. The handkerchief is recovered from the co-accused. The applicant is falsely implicated in this case. Hence, prayed to release the applicant on bail.

5. The learned A.P.P. opposed the application stating that there is material on record to connect the applicant to this crime. CCTV footage of Ambar Bar clearly shows the presence of this applicant along with the accused. At this stage, we cannot consider the entire statements on record and its corroboration. Sufficient material is on record to *prima facie* show the involvement of the accused/applicant. Hence, prayed to reject the application.

6. Heard both the learned Counsel for the respective parties.

7. No doubt, the crime is based on the circumstantial evidence. Only proof of the presence of the applicant is the statements of the witnesses and CCTV footage of Ambar Bar. At this stage, it is not sufficient to connect the applicant to the crime. As the charge-sheet is filed and investigation is completed, the case is made out to release the applicant on bail. Accordingly, I pass following order :

i] Criminal application is allowed.

ii] Applicant - Babasaheb Shamrao Mhaske be released on bail in Crime No.130/2025 registered at Police Station Deulgaon Raja, District Buldhana for

the offences punishable under Sections 103(1) read with Section 61(2) of the Bharatiya Nyaya Sanhita, 2023, on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall attend the concerned police station on every Monday between 1:00 p.m. to 2:00 p.m.

vi] The applicant shall co-operate the investigation officer.

The Criminal Application stands **disposed of** accordingly.

(MRS. VRUSHALI V. JOSHI, J.)