



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

CRIMINAL APPLICATION (BA) NO. 852/2025

Kamalakar s/o. Panditrao Wagh Vs. The 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. N. B. Kalwaghe, Advocate for the Applicant.

Mr. D. V. Chauhan, Senior Advocate/Public Prosecutor with Ms
T.H.Udeshi, A.P.P. 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 also not applicable in case of this applicant. It is alleged that there was illicit relation of the co-accused with the wife of the deceased. On the date of incident, the applicant along with co-accused had consumed liquor 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. The handkerchief recovered from this applicant is the only circumstance against the applicant which can not be considered at this stage. Hence, prayed to release the applicant on bail.

5. Mr. Chauhan, the learned Senior Counsel/ Public Prosecutor 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. Recovery of handkerchief from this applicant is sufficient material to connect the applicant in this crime. At this stage, we cannot consider the entire statements on record and the corroboration of the statement which would be conducting the mint trial at the stage of material. At this stage, *prima facie* involvement of the accused/applicant is sufficient for consideration of bail. Hence, prayed to reject the application.

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

7. The crime is based on the circumstantial evidence. Only proof of the presence of the applicant along with co-accused is CCTV footage of Ambar Bar. The statement of co-accused to consider the involvement of this applicant is not sufficient to keep the applicant behind the bar after completion of investigation. Hence, I pass following order :

i] Criminal application is allowed.

ii] Applicant - Kamalakar s/o. Panditrao Wagh 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.)