



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

CRIMINAL APPEAL NO. 497 OF 2025

Kunal Ramtek Kakde Vs. State of Maharashtra and one.

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

Court's or Judge's Orders.

Mr.AS.Band, counsel for the appellant.
Mr.N.R.Rode,APP for the State.
Mr.Neeraj Khandewale, counsel for the respondent
No.2.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 09/12/2025

1. The appellant is arrested in Crime No.142 of 2025 registered at P.S.Kuhi district Nagpur for the offences punishable under Sections 140(1),103(1) and 61(2) (a) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(2)(v) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Deceased Mahesh Khandale was brutally murdered by the appellant along with other co-accused for non payment of Rs.4,000/-. The case is relied on the last seen together.

3. The learned counsel for the appellant has stated that other three accused are already released on bail. The learned counsel for the appellant has stated that the case rests on circumstantial evidence. The only circumstance against this appellant is that there is recovery of knife. Though the parity is available considering the role, the learned counsel for the appellant has stated that he has not relied on the ground of parity and prayed to release the appellant on bail.

4. The learned APP opposed the appeal stating that the deceased was brought on Moped by this appellant. The last seen theory is there. Knife is recovered. The name of this appellant is mentioned. Though the statement of accused is not admissible, he has stated that along with other co-accused, he has committed the said offence. Considering the role of this appellant prayed to reject the appeal.

5. The learned counsel for respondent No.2 has opposed the appeal stating that the recovery of knife is there and the post mortem report shows that there were stab injuries. As the recovery is from this appellant, prayed to reject this application.

6. Heard both the sides and perused the record.

7. The offence rests on last seen together. The statement of the witness shows that the appellant was with other co accused persons. Though the other co accused are released on bail, the ground of parity is not available as there is recovery of the knife. The statement of the one of the witness shows that he was with the person whose shirt was stained with blood. Considering the role of this appellant and as recovery of knife is from this appellant, this is not a fit case to release the appellant on bail. Hence the appeal is rejected.

JUDGE