



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

CRIMINAL APPLICATION (BA) NO.31 OF 2025

Prabhakar @ Baalu s/o Narayanrao Shivarkar
Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Hingana, Nagpur

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. Ukey, Counsel for the applicant.
Ms. M. A. Barabde, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/02/2025

1. The applicant came to be arrested on 16.06.2024 in connection with Crime No.270/2024 registered with Police Station, Hingana, Nagpur for the offences punishable under Sections 120-B, 302, 201 read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act and under Section 135 of the Maharashtra Police Act.

2. The crime is registered on the basis of report lodged by the informant - wife of the deceased Alka Dinesh Nagrale on an allegation that on 13.06.2024 her husband left the house and not returned back, and therefore, she searched for him and his dead body was found lying on the side of the road. On the basis of the same, the crime was registered against the unknown person. During the

investigation, it revealed that the deceased was having the affair with the sister-in-law of the present applicant, and therefore, the present applicant and other co-accused assaulted the deceased and caused the death of the deceased.

3. Learned Counsel for the applicant submitted that as far as the present applicant is concerned, there is no single material to show that he is involved in the crime. He submitted that though the clothes of the present applicant are seized, no blood stains are found on the said clothes. The recovery is also not at the instance of the present applicant. Considering all these aspects, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that by hatching the conspiracy, the present applicant and the other co-accused assaulted the deceased and caused his death. She invited my attention towards the memorandum statement of the co-accused and submitted that the weapons used by the present applicant were seized at the instance of the co-accused. The CA reports are yet to received. She also invited my attention towards the various the statements of the witnesses and submitted that admittedly direct evidence would not be available as far as the conspiracy is concerned, the case is rested on the circumstantial evidence. The circumstances

are that the weapons are recovered at the instance of the co-accused and the applicant has every motive to commit the alleged offence. The *prima facie* case is made out against the present applicant. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that the memorandum statement of the co-accused is recorded. At his instance the weapon of the offence used by the other accused are also recovered. The blood stained clothes of the other co-accused are also seized. As far as the present applicant is concerned, his clothes are seized, but seizure panchanama nowhere shows that any blood stains on the said clothes. However, the CA report is yet to be received. At this stage, considering the material collected during the investigation which shows the involvement of the present applicant, and therefore, the application deserves to be rejected. Accordingly, I proceed to pass following order.

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)