



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

CRIMINAL APPLICATION (B.A.) NO.857/2025

(Shri Vaibhav Manoj Sahare Vs. The State of Maharashtra, through P.S.O., P.S. Kurkheda, Tah. Kurkheda, Distt. Gadchiroli)

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

Court's or Judge's orders

Mr. C.F. Bhagwani, Advocate for the applicant.
Mr. Ujwal Phasate, A.P.P. for the non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 17.9.2025.

The applicant is arrested in Crime No.142/2024 for the offence punishable under Section 103(1) and 3(5) of the Bhartiya Nyaya Sanhita.

2. It is the case of prosecution that the applicant along with other co-accused has committed the murder of one person Jitesh alias Gappu. The body was found on the road. The case rests on the circumstantial evidence. There is no any eye witness.

3. The learned Advocate for the applicant has stated that nobody has seen the applicant along with deceased. Last seen theory is not there. The co-accused has disclosed name of this applicant and offence is registered. None of the witnesses have mentioned the name of this applicant.

4. The learned Advocate for the applicant has relied on the order of the Hon'ble Apex Court in State of Rajasthan V/s. Hanuman, dated 19.6.2025, in support of his argument that only because the knife was recovered from this applicant, the applicant cannot be kept behind the bars. He has stated that there is no role played by this applicant. Hence, prayed to release him on bail.

5. The learned A.P.P. opposed the application stating that there are witnesses who have seen the deceased along with co-accused. The bail application of co-accused is withdrawn by the learned Advocate as the disinclination was shown by this Court. The extra judicial confession is there. Considering the gravity of the offence and as the involvement of this applicant is disclosed from the statement of witnesses, prayed to reject the application.

6. Heard both sides and perused the record.

7. No doubt, case rests on circumstantial evidence. The body was lying on the road. Immediately before 8 days the quarrel took place between the co-accused and, therefore, the name of accused persons was mentioned in the F.I.R. The statements were recorded and the witnesses have stated that the applicant was with co-accused at the relevant time and was having iron rod. An extra judicial confession is also there.

8. Considering the nature of the offence and as there is a recovery of knife at the instance of this accused, this is not a fit case to release the accused on bail. Hence, the application is rejected.

(MRS. VRUSHALI V. JOSHI, J.)