



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

CRIMINAL APPLICATION (BA) NO.937/2025

(Prem S/o Nandkishor Waghmare Vs. State of Maharashtra, through Police Station Officer, Police Station, Morshi,
Tq. Morshi, Distt. Amravati)

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

Court's or Judge's orders

Mr. N.S. Gawai, Advocate for the applicant.
Mr. A.J. Gohokar, A.P.P. for non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 9.10.2025.

The applicant is arrested in Crime No.64/2025 for the offence punishable under Sections 105, 238 read with Section 3(5) of the Bharatiya Nyaya Sanhita.

2. It is alleged that on 9.2.2025 the father of the deceased has lodged the complaint as the deceased did not return back to home and he had suspected that Dhanraj and Gajanan Nehare must have committed the murder of his son and the crime is registered.

3. The name of this applicant was not mentioned in the F.I.R. Initially, the offence under Section 103(1) of B.N.S. was registered. Thereafter as it was revealed that deceased died due to fall of heap of sand, the offence under Section 105 of B.N.S. is registered.

4. The learned Advocate for the applicant has stated that after knowing that the deceased died due to said falling of heap of sand, this applicant was called and it is alleged that applicant and accused No.3 tried to dispose of the body by taking it near the forest. At the most, the offence under Section 238 of B.N.S. will be attracted against this applicant which is punishable up to 7 years. The applicant is 19 years of age. The contention of the applicant is that he went on the

spot to give water and as the coaccused mentioned name of this applicant, the crime is registered. Hence, prayed to release him on bail.

5. The accused No.3 is already released by the Sessions Court.

6. The learned A.P.P. opposed the application stating that the case rests on circumstantial evidence. Co-accused have disclosed that they along with applicant tried to destroy the evidence. The offence under Section 238 of B.N.S. is attracted. There is no CCTV Footage or any other evidence. The charge-sheet is filed. The custody of this applicant is necessary. Hence, prayed to reject the application.

7. Heard both sides and perused the record.

8. It appears from the record that the death of the deceased is due to fall of heap of sand. The allegations against this applicant are about taking body, along with other coaccused, and trying to destroy it. The co-accused have disclosed the name of this applicant. Considering the allegations made against this applicant and as the co-accused who has similar role is already released on bail, case is made out to release the applicant on bail. Hence, application is allowed on following terms and conditions.

i) Applicant- Prem S/o Nandkishor Waghmare be released on bail Crime No.64/2025 for the offence punishable under Sections 105, 238 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 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.

ii) The applicant shall not in any way tamper with the prosecution evidence.

iii) The applicant shall not pressurize or threaten the prosecution witnesses.

- iv) The applicant shall co-operate with the Investigation Officer.

(MRS.VRUSHALI V.JOSHI, J.)

Tambaskar.