



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

CRIMINAL APPLICATION (BA) NO.1072/2025

(Jeevan S/o Bhagwat Thakre Vs. State of Maharashtra, through Police Station Officer Shirpur, District Washim)

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

Court's or Judge's orders

Mr. Amol Jaltare, Advocate for the applicant.
Mr. Ujjawal Phasate, A.P.P for the non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.
DATED: 4.12.2025.

The applicant is arrested in Crime No.85/2025 for the offence punishable under Sections 103, 238 and 3(5) of the Bharatiya Nyaya Sanhita.

2. The prosecution case is that the brother of the deceased has lodged the complaint against the applicant along with co-accused. It is alleged that the deceased was having affair with one Ashwini Lade. On 9.2.2025 she called the deceased to meet her at Chandas village and on 10.2.2025 the body of the deceased was found near Malegaon Mehkar road in injured condition. The cause of death was head injury with blunt trauma to chest.

3. The learned Advocate for the applicant has stated that the offence is based on circumstantial evidence. Only on the statement of eye witness the case is registered. On perusal of statement it reveals that when accused were sleeping in the courtyard in the field, probably the victim went there to meet said Ashwini. The accused persons felt that the thief had entered in and, therefore, they beat him and were asking his name. Witness Dipak has categorically stated that the applicant Jeevan was asking his name and thus the cause of

death of victim is that they all misunderstood that he was a thief and, therefore they beat him. Such act does not fall within the ambit of Section 103 of the B.N.S. Hence, prayed to release the applicant on bail.

4. Learned A.P.P. opposed the application stating that postmortem report shows the cause of death as head injury by blunt trauma to chest. The eye witness has stated that the applicant along with co-accused assaulted the deceased. The role played by this applicant is mentioned by the eye witness. The specific involvement of the applicant in commission of offence is there. As the deceased was having illicit relations with said Ashwini the motive to commit murder cannot be ruled out. Hence, prayed to reject the application.

5. Heard both sides and perused the record.

6. A brutal murder is committed and the allegations are made against this applicant that he along with other co-accused assaulted the deceased. Eye witness has stated about specific role of this applicant. Considering the direct evidence against this applicant, this is not a fit case to release the applicant on bail. Hence, the application is rejected.

(MRS.VRUSHALI V.JOSHI, J.)