



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

CRIMINAL APPLICATION (BA) NO.1139/2025

(Gajanan S/o Dashrath Nehare Vs. State of Maharashtra, through P.S.O. P.S. Morshi, Distt. Amravati (Rural))

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

Court's or Judge's orders

Mr. S.B. Gandhe, Advocate for the applicant.
Mr. Anant Ghogare, A.P.P for the non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 11.11.2025.

The applicant came to be arrested on 10/02/2025 in connection with Crime No.64 of 2025 registered at Police Station Morshi, District Amravati (Rural) for the offence punishable under Sections 105, 238 and 3(5) of Bhartiya Nyaya Sanhita, 2023.

2. The crime is registered on an allegation that the deceased died an accidental death, but the present applicant and other co-accused have disposed of the dead body in Singhora Dam. On the basis of the said report, police have registered the crime.

3. Heard learned Advocate for the applicant, who submitted that the statements of the witnesses nowhere disclose that it was the present applicant who has disposed of the said dead body. In fact, the offence under Section 103 of BNS is not *prima facie* made out as the prosecution itself states that the deceased died an accidental death. As far as the allegation against the present applicant under Section 238 of BNS is concerned, it pertains to a bailable offence. The investigation is already completed, charge-sheet is already filed and further incarceration of the present applicant is not required.

4. The learned A.P.P. strongly opposed for the same and submitted that considering the act of the present applicant and after the death of the deceased his dead body was disposed of by the present applicant, therefore, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it appears that, at most, the offence under Section 238 of BNS will attract against the applicant, which carries a maximum punishment up to seven years. The offences under Section 238(a) and 238(b) both are bailable offences, in view of that, the application deserves to be allowed.

i) The applicant - Gajanan S/o Dashrath Nehare shall be released on bail in connection with Crime No.64 of 2025 registered at Police Station Morshi, District Amravati (Rural) for the offence punishable under Sections 105, 238, 3(5) of Bhartiya Nyaya Sanhita, 2023 on executing PR Bond of Rs. 25,000/- with one solvent surety in the like amount.

ii) The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

6. The criminal application is allowed and disposed of.

(MRS.VRUSHALI V.JOSHI, J.)