



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

CRIMINAL APPLICATION (BA) NO.1179/2025

(Ayush Suresh Jadhav Vs. State of Maharashtra, through PS.O.P.S. Deulgaon Raja, Buldhana)

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

Court's or Judge's orders

Mr. Mahesh V. Rai, Advocate for the applicant.
Mr. A.M. Kadukar, 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.236/2025 for the offence punishable under Sections 103(1), 238 and 3(5) of the Bharatiya Nyaya Sanhita.

2. The case of the prosecution is that on 1.6.2025 the informant Gajanan Digambar Dukare lodged a missing report that his brother Sagar is missing after he went with one Mahendra Sarode to buy meat. On enquiry with said Mahendra, he told that the deceased was accompanied with Akshay Kukade and some other persons from Deulgaon Raja. The deceased family searched for him. His body was found near Dhaba at Jalna Road and he was taken to the Rural Hospital. Applicant was arrested as he was last seen with the deceased and thereafter on the basis of statement made by said Akshay Kukade the other co-accused were arrested. This applicant is also arrested on the statement of Akshay Kukade.

3. The learned Advocate for the applicant has stated that two co-accused are already released by the Sessions Court on the ground that they were arrested on the statement made by the co-accused. Co-accused has mentioned the role of those two accused persons but

the trial Court has released both of them observing that the statement of co-accused is inadmissible and they were released. The application of this applicant was rejected only because shirt of this applicant was recovered and there were blood stains on it. The role of this applicant is that he and one of the other co-accused were present on the spot.

4. The learned Advocate for the applicant has submitted that though the other co-accused were having specific role of assault they were released and application of this applicant is rejected. He has not played any role and only because clothes were with blood stains his application is rejected. Hence, prayed to release the applicant on bail.

5. The learned A.P.P. opposed the application stating while rejecting the bail application learned trial Court has observed as there was blood stains on the shirt of this applicant and his active role is there, the ground of parity is not applicable to this applicant. As he was present on the spot, this is not a fit case to release the applicant on bail. Hence, prayed to reject the application.

6. Heard both sides and perused the record.

7. The case rests on circumstantial evidence and last seen theory is there. Co-accused has stated the name of this applicant along with other co-accused. By observing that the statement of co-accused is inadmissible, the other co-accused are released by the trial Court, therefore, the ground of parity is available to this applicant.

i) Applicant - Ayush Suresh Jadhav be released on bail in Crime No.236/2025 for the offence punishable under Sections 103(1), 238 and 3(5) of the Bharatiya Nyaya Sanhita , on furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with solvent surety in the like amount before the trial Court.

- 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 learned trial Judge in the conduct of the trial.

8. The Criminal Application stands disposed of accordingly.

(MRS.VRUSHALI V.JOSHI, J.)