



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2244 OF 2025

AABASAHEB SAKHARAM BRAHMRKSHAS AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Jagdish V. Deshpande a/w Mr. S. N. Dudhate

APP for Respondents-State : Mr. P. P. Dawalkar

Advocate for Applicant (Cri.Appln.) : Ms. S. T. Jadhav h/f Mr. P. D. Suryawanshi

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WITH
CRIMINAL APPLICATION NO. 4468 OF 2025
IN BA/2244/2025

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CORAM : SACHIN S. DESHMUKH, J.
Date : 4th February, 2026

ORDER :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 10.05.2025 bearing Crime No. 179 of 2025 registered with Pachod Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable under Sections 103(1), 238(b), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution on 09.05.2025 approximately at 08:00 a.m., the sister of the informant received a

telephonic information from her sister-in-law Meena Arjun Brahmarakshas, that the deceased had fallen into a well at Chinchala and requesting their immediate presence. Upon receiving this information, the informant and others reached the site at Chinchala by 10:30 a.m. The informant proceeded to the well situated in land Gut No. 121, where he observed a headless body floating on the water surface. In the presence of the police and local villagers, the body was retrieved, and the informant subsequently identified the remains as those of his father Namdeo Eknath Brahamrakshas. The severed head of the deceased was discovered and recovered later that day.

3. Following the discovery, the mother of the informant disclosed that on the preceding night, the deceased had gone to sleep outside the house after dinner. She observed him sleeping at the said location when she woke up at approximately 01:00 a.m. on 09.05.2025. However, when she woke up again at 03:00 a.m., the deceased was missing from his bed. At that time, she presumed he had gone to inspect the ongoing construction work in the field and did not initiate an immediate search.

4. The further case of the prosecution is that at 08:00

a.m. on 09.05.2025, the mother went to the construction site in the field to locate the deceased; however, was not found there. During a further search near the well, noticed papers floating on the water, prompting her to alert nearby labourers. Upon inspection, the labourers informed her that a beheaded body was floating in the well, which was then communicated to the villagers and the informant. Based on these facts, the informant lodged a formal report with the Pachod Police Station alleging that his father had been murdered by an unknown person.

5. The learned counsel for the applicants submits that the applicants have been falsely implicated in the offence, emphasizing the absence of any independent eyewitness to establish their complicity. The entire case is based on the circumstantial evidence. Initially, the FIR is lodged against the unknown person. The initial discovery of the body in the well on 09.05.2025 indicates no immediate or direct evidentiary link to the applicants. The investigation is complete and the charge-sheet is also filed. Nothing remains to be recovered at the instance of applicants. As such, prayed to allow the application.

6. The learned APP opposed the application, submitting

that the offence is serious in nature and that there is sufficient material on record to establish the applicants' complicity. The material on record indicates that the deceased was brutally murdered. Furthermore, the APP argued that if the applicants are released on bail, there is every possibility of the prosecution evidence being tampered with. Accordingly, it was prayed that the application be rejected.

7. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, it is evident that the prosecution case rests entirely on circumstantial evidence. It is noted that the FIR was registered against unknown persons and the discovery of the decapitated body of Namdeo on 09.05.2025 was the result of a search initiated by the deceased's wife. Prima faice, there is no direct evidence, such as eyewitness testimony, placing the applicants at the scene of the crime or in the company of the deceased immediately prior to his disappearance at 03:00 a.m. on the date of the incident.

8. Moreover, while the nature of the offence is undoubtedly grave, it is a settled principle of law that the gravity of the charge alone, in the absence of a prima facie link to connect

the accused, cannot be the sole basis for the denial of liberty. Considering the prima facie absence of a motive and the lack of any incriminating recovery directly attributable to the applicants at this stage, the Court finds it fit to exercise its discretion in favour of the applicants.

9. The investigation is complete for all intent and purpose and the charge-sheet is filed. Having regard to the number of accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. The arrest of the applicants is effected on 17.05.2025.

10. As such, further detention of the applicants as an under trial prisoner, in the circumstances of the case, does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant. The apprehension expressed by the learned APP about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

11. Hence, the following order:

ORDER

- (I) Application is **allowed**.
- (II) Applicants – **Aabasaheb Sakharam Brahmraakshas** and **Babasaheb Sakharam Brahmraakshas** be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) each with one or two local solvent sureties in the like amount, in Crime No. 179 of 2025 registered with Pachod Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable under Sections 103(1), 238(b), 3(5) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-
- (a) The applicants shall attend each and every date of the Trial Court unless exempted by the Trial Court.
- (B) The applicants shall enter in the village Chinchala, Tq. Paithan, Dist. Chhatrapati Sambhajiagar till conclusion of trial.
- (b) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- (c) The applicants shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
- (d) Breach of any of the conditions by the applicants

would entail the cancellation of the bail.

- (iii) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.
- (iv) Resultantly, pending criminal application also stands disposed of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi