

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1472 OF 2025

Bhausahab Ankush Gade

Petitioner

Versus

1. The State of Maharashtra
2. The Inspector General of
Prisons, Maharashtra State,
Pune
3. The Superintendent of Central
Prison, Chh. Sambhajnagar

Respondents

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Ms. Preeti Wankhede, Advocate for the petitioner.
Mr. P.S. Patil, A.P.P. for respondent Nos.1 to 3-State.

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**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

DATED : 22 JANUARY 2026.

ORDER (Per Sandipkumar C. More, J.) :

1. Rule. Rule made returnable forthwith. By the consent of learned counsel for the petitioner as well as learned APP heard finally at the stage of admission.
2. By way of this criminal writ petition, the petitioner, who is the original convicted accused No.1 in Sessions Case No. 2 of 2010, is seeking quashment of the order dated 18.03.2025 passed by respondent No.1 – State through Under

Secretary Home Department, Mantralaya, Mumbai, whereby he is placed under category of Clause 4 (d) of Government Guideline dated 15.03.2010. It is also prayed for giving direction to respondent No.1 to place him under category of Clause 3(b) of the aforesaid Guidelines and then direction to respondent No.3 to release the petitioner forthwith.

3. Learned counsel for the petitioner submits that the petitioner can be placed under category of Clause 3 (b) since his act of committing murder of the deceased Raosaheb was arising out of family feuds.

4. For ready reference we have reproduced the category of 3 (b) of Guideline dated 15.03.2010, as under :

3		Murder arising out of land dispute, family feuds, family prestige and superstition.	
	b	Crime committed as above with pre-meditation, either individually or by a gang.	22 years

5. Per contra, the learned A.P.P. has placed on record the category 4(d) of the aforesaid Guidelines as follows :

4		Murder For other reasons.	
	d	Murder committed by more than one person/group of person/group of persons.	24.

According to the learned A.P.P. the petitioner has committed murder of Raosaheb on personal dispute and not on family dispute, and therefore, he supported the impugned order.

6. The only question before us is, as to whether the murder committed by the petitioner is arising out of family dispute, as claimed by him. However, on going through the judgment dated 17.08.2010 in the the aforesaid Sessions Case No. 2 of 2010, passed by the learned Additional Sessions Judge, Osmanabad, it is clearly evident that the petitioner alongwith his brother committed murder of deceased Raosaheb since he was selling the illicit liquor and the petitioner was against the same. As such, *prima facie* no family dispute appears to be involved in this crime.

7. Learned counsel for the petitioner relied on the order of this court, Bench at Nagpur, dated 14th June 2023 in Criminal Writ Petition No. 5554 of 2021 and submitted that the motive behind the crime is to be seen for placing the accused under appropriate category of the aforesaid Guidelines. He pointed out that the deceased was earlier convicted and thereafter also he continued illegal business of

selling illicit liquor and the crime took place when the petitioner and his brother were opposing the deceased to conduct such business. However, after going through the said order, it clearly appears that case for placing the petitioner under Clause 3 (b) of the Guidelines has to be established first. In the instant matter, the case is not established for placing the present petitioner under Clause 3(b) of the Guidelines. Therefore, the order which is relied by the petitioner in the aforesaid criminal writ petition is not helpful.

8. Therefore, considering all the aforesaid facts, we are of the opinion that respondent No.1, considering the material on record, has rightly passed the impugned order, which needs no interference. Accordingly, the present writ petition stands dismissed and rule is discharged.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE