



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.2022 OF 2025

Kalyan s/o Rajendra Pathare ... **APPLICANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. N.B. Narwade, Advocate for applicant
Ms R.R. Tandale, A.P.P. for respondent – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th FEBRUARY, 2026

PER COURT :

By this application, the applicant seeks release on regular bail in connection with Crime No.533/2025, registered with Shrigonda Police Station, District Ahilyanagar for the offences punishable under Sections 103(1), 238, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution case is that, on the basis of secret information of committing murder of a woman and burial of body,

the LCB took the applicant in custody to verify the information. During the inquiry, it was revealed that, the deceased Fatima was working in New Prashant Hotel, Banpimpri, which is run by the applicant. The applicant was having love affair with the deceased, due to which the wife of the applicant left the matrimonial home. On 6/5/2025, the absconding accused Rahul Yadav informed the applicant that Fatima was not responding and was not opening the door of room. Fatima was found hanging to the ceiling fan of the room. Then, the applicant buried the dead body in his agricultural land at Hatvalan, Taluka Ahmednagar.

3. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the present case. The material on record indicates that the deceased committed suicide by hanging herself by closing the door from inside which was eventually broke open. So far as the charge of causing disappearance of the body is concerned, the maximum punishment provided is 7 years imprisonment. The investigation is complete, charge sheet is filed and nothing is to be recovered from the applicant. As such, submitted that the applicant deserves to be enlarged on bail.

4. Per contra, the learned A.P.P. vehemently opposed the

application and submitted that, so far as the material indicates the role of the applicant in causing disappearance of the body, is evident. As such, the applicant's complicity can be gathered from these materials and if the applicant is released on bail, there is possibility of tampering the prosecution evidence. As such, prayed to reject the application.

5. Having heard the learned counsel for both the sides and upon perusal of the record including chargesheet, it is evident that, prima facie, record does not reveal the act of committing murder of the deceased. So far as the charge of causing disappearance of the body is concerned, the maximum punishment is 7 years imprisonment. As far as the motive is concerned, it is an aspect of trial, further incarceration of the applicant is unwarranted. In that view of the matter, the applicant deserves to be admitted to bail.

6. Nevertheless, the investigation is complete for all intents and purpose. Therefore, apprehension expressed by learned A.P.P. can be adequately taken care by imposing stringent conditions. In that view of the matter, further custody of the applicant is not warranted.

7. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Kalyan Rajendra Pathare be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution witnesses in any way.
 - (b) The applicant shall remain present on each date, unless exempted by the trial Court.
- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall decide the trial on its own merits and in accordance with law.

(SACHIN S. DESHMUKH, J.)

fmp/-