



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2217 OF 2025

DEVANAND BHAGWAN KATE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. P. P. More
APP for Respondents-State : Mr. B. B. Bhise

CORAM : SACHIN S. DESHMUKH, J.

Date : 16th February, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 14.05.2025 bearing Crime No. 117 of 2025 registered with Latur Rural Police Station, Dist. Latur for the offences punishable under Sections 103(1), 61(2), 238 of the *Bharatiya Nyaya Sanhita*, 2023 alongwith Sections 149/196, 3(1)/181 of the Motor Vehicles Act.

2. The case of the prosecution is that on 11.05.2025, the accused / applicant called his brother Dayanand to the river basin. Upon his arrival, the applicant allegedly subjected Dayanand to a violent assault using a hammer and a steel pipe. Subsequently, the applicant strangulated him with a string resulting in Dayanand's

death. Following the incident, the applicant took steps to conceal the evidence by hiding the weapons used in the assault at a nearby crematorium. The accused further destroyed the mobile phone handset that had been used to contact the deceased earlier that day. The applicant set fire to the clothing he was wearing at the time of the incident, as well as the string used in the strangulation. As a result of the investigation, sufficient evidence was gathered to implicate the accused, leading to the filing of a charge-sheet.

3. The learned counsel for the applicant submits that the applicant has been falsely implicated in the offense, emphasizing the absence of any independent eyewitness to establish his complicity. The entire case is based on the circumstantial evidence. While the alleged incident is alleged to have occurred on 11.05.2025, the matter was initially treated and registered only as an accidental death on 12.05.2025. It was only after a substantial lapse of time that the report came to be lodged on 14.05.2025 against unidentified person only. There is unexplained delay of three days. The arrest of the applicant was effected on 15.05.2025 and since then, is in jail.

4. The learned counsel for applicant further submits that

the investigation is complete and the charge-sheet is filed. Nothing remains to be recovered at the instance of applicant. As such, further incarceration of the applicant is unjustified. Hence, prayed to allow the application.

5. 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 applicant's complicity. The prosecution case is substantiated by a strong chain of circumstantial evidence. The deliberate concealment of the weapons at a crematorium, the destruction of the mobile phone used to lure the deceased and the burning of apparel demonstrate a calculated attempt to destroy evidence. Furthermore, the APP argued that if the applicant is released on bail, there is every possibility of the prosecution evidence being tampered with. Accordingly, it was prayed that the application be rejected.

6. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, it prima facie indicates that the prosecution case against the applicant, concerning the incident dated 11.05.2025, is primarily founded upon circumstantial evidence. Prima facie, there are no

eyewitnesses to the alleged assault or the subsequent acts of strangulation at the river basin. While the prosecution relies on the last seen theory and the recovery of a hammer and steel pipe from a crematorium, the evidentiary value of these recoveries remains a matter of trial.

7. Moreover, a significant aspect of the case is the prima facie chronological gap between the occurrence and the registration of the crime. The incident allegedly took place on 11.05.2025, yet the report was lodged on 14.05.2025 against the unidentified person only. The initial registration of the matter as an accidental death on 12.05.2025 prima facie indicates that the investigating agency did not find immediate evidence of foul play or the involvement of the applicant. The three-days delay and the shift in the nature of the allegations from an accident to a deliberate homicide require sufficient proof at the trial stage, creating a prima facie ground for the applicant to seek liberty.

8. Nevertheless, 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

concluded within a reasonable period. The arrest of the applicant is effected on 15.05.2025 and since then, is in jail.

9. As such, further incarceration of the applicant 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.

10. Hence, the following order:

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Devanand Bhagwan Kate be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in Crime No. 117 of 2025 registered with Latur Rural Police Station, Dist. Latur for the offences punishable under Sections 103(1), 61(2), 238 of the *Bharatiya Nyaya Sanhita*, 2023 alongwith Sections 149/196, 3(1)/181 of the Motor Vehicles Act, on the following conditions :-

- (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicant shall not enter into entire vicinity of village Bopla, Tq and Dist. Latur, till conclusion of trial.
 - (c) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (d) 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.
 - (e) 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.

(SACHIN S. DESHMUKH, J.)