



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

ANTICIPATORY BAIL APPLICATION NO. 1534 OF 2025

1. SUKHDEV SAKHARAM BHAVLE
2. KISHKINDA SUKHDEV BHAVLE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

CRIMINAL APPLICATION NO. 3588 OF 2025
CHAGAN BHIMA GHARBUDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Senior Advocate for Applicants : Mr. Rajendra S. Deshmukh i/by
Mr. R. G. Dodiya

APP for Respondents/State : Mrs. P. J. Bharad

Advocate for assisting the prosecution : Mr. R. G. Hange

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CORAM : MEHROZ K. PATHAN, J.

DATE : 5th MAY 2026

ORDER :

1. Heard the learned Senior Counsel for the Applicants, the learned Counsel for the Complainant and the learned APP for the Respondent/State.

2. The Applicants have approached this Court, seeking anticipatory bail application in connection with Crime No. 287/2024 registered with Talwada Police Station, District Beed for the offences punishable under Sections 103, 61(2), 189(2), 191(1), 191(3), 190, 126(2), 127(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The case of the prosecution is that the brother of the informant, Bhagwan Gharbude, was falsely arraigned as an accused by Amol Sukhdev Bhavle. The son of Bhagwan Gharbude, Balaji Bhagwan Gharbude, took efforts to secure bail for his father. Therefore, the accused bore a grudge against the deceased Balaji Gharbude. On 03.09.2024, near Babre-Yamgar's farm, accused Ananta, Kishkinda, Amol, and Umaji arrived and restrained the deceased. Subsequently, other accused Ramesh, Sukhdev, and Kalyan Bhavle also reached the spot. Umaji inflicted a knife blow on the right hand of the deceased. Accused Kishkinda held the hands of the deceased, while Amol, Umaji, Ananta, and Ramesh assaulted him with knives. Thereafter, accused Sukhdev and Kalyan threw the body of the deceased on the roadside. An offence was then registered.

4. The learned Senior Counsel for the Applicants submits that the Applicants are falsely implicated in the present crime with the intention of wreaking vengeance against the entire Bhavle family, as other family members have also been arrested. One of the accused has already been released on regular bail. Even if the allegations are taken at face value, the only role attributed to Applicant Sukhdev is that of pushing the deceased Balaji from the vehicle, causing him to fall to the ground, whereas Applicant Kishkinda is attributed the role of holding the hands of the deceased while other co-accused assaulted him with sharp weapons. The limited role attributed to the Applicants itself suggests that they were not present at the spot and

were deliberately roped into the present crime with the intention of implicating entire family members. As the Applicants were not even present at the scene of the incident, they immediately moved an application before the Superintendent of Police, calling upon the authorities to secure CCTV footage from the Bank of Baroda, Subhash Road Branch, District Central Cooperative Bank, Beed, and several other locations to establish that they were not present at the spot. However, no action was taken by the police authorities. Be that as it may, considering the limited role, the Applicants deserve to be released on anticipatory bail. The Applicants are not having any criminal antecedents and are ready to abide by any conditions that may be imposed by this Court. Hence they may be released on anticipatory bail.

5. As against this, the learned APP as well as the learned Assisting Counsel Mr. Hange strongly oppose the bail application on the ground that the Applicants are specifically named in the FIR as having played an active role in the commission of the crime. The crime is the result of a deep-rooted conspiracy hatched by the Applicants along with their associates to eliminate the deceased Balaji. The deceased Balaji, son of Bhagwan, had been taking steps to secure bail for his father (Bhagwan), who was arrayed as an accused in Crime No. 15/2014. Hence, the conspiracy was hatched by the present Applicants. The Applicants are specifically named in the FIR. The FIR was immediately lodged by the Complainant, Chaggan, uncle of the deceased. There are eye-witnesses to the incident,

namely Abhishek Sarak and Narayan Bandkar, who were accompanying the Complainant Chaggan on the date of the incident and have witnessed the occurrence. Thus, there is ample evidence to establish the guilt of the present Applicants in the crime. The Applicants are alleged to have committed the murder of deceased Balaji. The offence is serious in nature and is punishable with death or imprisonment for life. Hence this is not a fit case to grant anticipatory bail to the Applicants and the application may therefore be rejected.

6. I have gone through the investigation papers made available by the learned APP. The perusal of the investigation papers shows the statements of eye-witnesses Abhishek and Narayan. Their statements corroborate the allegations in the FIR, wherein Applicant Sukhdev is alleged to have assaulted Balaji with kicks, causing him to fall to the ground. Accused Kishkinda is also alleged to have caught hold of the deceased Balaji, while the other co-accused assaulted him with sharp weapons, thereby inflicting fatal wounds. Applicant Kishkinda, wife of deceased Balaji, was also seen riding as a pillion rider on a motorcycle with Ananta Bhavle (another son of the accused). The entire family is alleged to have hatched the conspiracy to eliminate Balaji on the fateful day. The eye-witnesses Abhishek and Narayan have also recorded their statements under Section 183 BNSS, wherein they reiterated the role of the present Applicants in the commission of the murder of Balaji. The post-mortem report shows that the cause of death was multiple stab injuries, which corroborates

the allegations. The statement of Chaggan has also been recorded under Section 183 BNSS, wherein he again implicated the role of the present Applicants in the said crime.

7. The Applicants have specifically taken the ground that they were not present at the spot of the incident at the time of commission of the offence. They have also brought on record that request was made to obtain CCTV footage vide application dated 15.01.2025 made to Superintendent of Police. However, the police authorities failed to provide the same. In fact, an affidavit is filed on behalf of the Investigating Officer stating that although CCTV footage was obtained, it was unclear and was therefore not considered necessary to be seized in the present crime. It is thus submitted by Applicants that this circumstance shows that the investigation is unfair and that the entire Bhavle family has been implicated with the intention of taking revenge by not placing the CCTV footage as evidence during the investigation.

8. However, since the Applicant/Sukhdev has taken the plea that he was present at the bank, no documents have been produced on record to substantiate the claim that Applicant No.1 carried out any banking activities on the date of the incident. The Applicant No.1 has failed to produce any passbook or other banking documents to support this plea. The application dated 15.01.2025 states that Sukhdev was present at Bank of Baroda, Subhash Road Branch, Beed, on the date of the incident, whereas co-accused Kalyan was stated to

be present at District Central Cooperative Bank, Main Branch, Beed, and co-accused Ananta was stated to be present at Raj Medical, Georai. However, the Applicant No.1 has failed to bring on record any documents to show that any of the accused persons were actually present at the said locations as claimed in the application dated 15.01.2026. Applicant No.1 has also failed to produce any document such as a withdrawal form, passbook, or other relevant banking records to prima facie establish his plea of alibi.

9. Be that as it may, these are matters to be considered during the course of trial. Taking into consideration the nature of allegations against the Applicants and the evidence collected by the prosecution during the course of investigation in the form of eye-witness account, and as the Applicants are charged with an offence under Section 103 BNSS which is punishable with death or imprisonment for life, in my opinion, this is not a fit case to release the Applicants on anticipatory bail. The application is devoid of substance and merit, and the same is hereby rejected.

10. The Criminal Application is also disposed of.

MEHROZ K. PATHAN
JUDGE

NATJEES..