



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**924 CRIMINAL APPLICATION NO. 903 OF 2026
IN APEAL/864/2025**

RAMESH BHAGWAN MUNDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Solanke S.B.
APP for Respondent/State : Mrs. V.S. Choudhari
Advocate for assist to P.P. : Mr. G.R. Syed.

...

**WITH
CRIMINAL APPLICATION NO. 1140 OF 2026
IN APEAL/864/2025**

SHIVSHANKAR MALLIKARJUN KORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Syed G.R.
APP for Respondent/State : Mrs. V.S. Choudhari
Advocate for Respondent nos.2 and 3 : Mr. S.B. Solanke

...

**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL-JADHAV, JJ.
DATED : 30th APRIL, 2026.**

ORDER :

Criminal Application No. 1140 of 2026 :

Heard.

2. For the reasons stated in the application, the application is allowed. Learned Advocate for applicant is permitted to assist learned A.P.P. while arguing the appeal as well as Criminal Application for bail.

Criminal Application No. 903 of 2026 :

Both the applicants-accused nos.1 and 3 (along with

accused no.2) are convicted by the learned Additional Sessions Judge, Dharashiv under Sections 302, 201 read with 34 of the Indian Penal Code and sentenced to suffer imprisonment for life and to pay fine of Rs.10,000/- each, vide judgment and order dated 18.09.2025, in Sessions Case No.102/2022. By this application, accused nos.1 and 3 are seeking bail.

2. Learned Advocate for the applicants has urged that deceased was 25 years of age, whereas in the postmortem report the age of the deceased is mentioned as 40 years. In identification parade, only accused no.1 was identified. The panchas to the identification parade were not examined. The DNA report is given by another person whereas some other person is examined to prove the same. By relying on portion mark "A" of Exhibit-119, he submitted that the dead body was of some unknown person and not that of the deceased. Accused no.1 - Ramesh is in jail since 16.04.2022 and accused no.3 Amol is in custody since 27.05.2023. Considering the period of long incarceration they may be released on bail. He also claimed bail on the ground of parity as accused no.2 - Shivshankar Haribhau Ingale is released on bail by this Court.

3. Learned A.P.P., on the other hand, strenuously opposed the application. She argued that just before the incident, father of deceased had called him on his cell phone at about 8.30 p.m. on the day of the incident and the deceased told his father that he is coming by pick up. At 9.30 p.m., accused nos.1 and 3 purchased liquor and paid Rs.2100/- from the cell phone of the deceased. Thereafter, accused no.3 paid Rs.3500/- to PW-8 - rickshaw driver from the cell phone of the deceased and obtained Rs.3300/- from him in cash. There is recovery from accused no.1. Accused no.3 is also identified in the Court by PW-

8. CDR and SDR of cell phone of accused no.1 shows the location of accused at Shingoli Shivar i.e. place of incidence. She, therefore, submits that there is sufficient evidence to sustain the conviction of the accused.

4. Learned Advocate for the informant adopted the arguments of learned A.P.P. In addition, he pointed out relevant material against the accused. Therefore, he contended that the application is devoid of merit and the same may be rejected.

5. First we will deal with the ground of parity as is urged by the applicants-accused. Original accused no.2 - Shivshankar Haribhau Ingale was granted bail by the Co-ordinate bench of this Court by observing that, " However, on going through the material on record and the impugned judgment, it appears that learned Trial Judge has observed the involvement of this applicant in the crime merely on the basis of evidence of P.W. 13 and Exhibit 93, which is his confessional statement, recorded by the concerned learned Judicial Magistrate. However, on going through the said confessional statement, it is evident that nothing incriminating has been stated by him, which can connect him with the crime. Only it has come on record in the said statement that he was in the pickup along with other two accused and when they started from Kaij, he slept in the said pick-up and when he got up, he saw one additional passenger sitting in the said pickup vehicle and thereafter he again slept in the vehicle." It is further observed that, "except the statement of co-accused, which is inadmissible, there was no incriminating material against against accused no.2. He was also not identified by the auto rickshaw driver." Therefore, he was granted bail.

6. Coming to the facts of the present case, we have perused the evidence with the assistance of learned Advocate for the applicants, learned A.P.P. for the State and learned Advocate for informant.

7. Prima facie, we find sufficient material to connect the applicants-accused to the present crime. The CDR and SDR of the cell phone of accused no.1 shows the presence of the accused at the spot of incident at the relevant time. Both the accused were seen in the CCTV footage of Meghdoot Hotel, where an amount of Rs.2100/- was paid from the cell phone of the deceased. Accused no.3 is identified in the Court by PW-8 rickshaw driver, to whom, accused no.3 had transferred an amount of Rs.3500/- from the cell phone of the deceased and had obtained cash amount of Rs.3300/- from him. We find no merit in the submission of the accused that there is variance in the age mentioned in the postmortem report and the actual age of the deceased as at the time of conducting postmortem, admittedly, the body was in highly decomposed condition, therefore, age appears to be mentioned approximately. Fact remains that DNA report confirms that the death body was of the deceased. There is recovery of clothes, cell phone of the deceased and towel used in commission of crime from accused no.1.

8. For the aforestated evidence, we are of the prima facie view that there is sufficient evidence on record to sustain the conviction of the applicants-accused. According to us, therefore, this is not a fit case to grant bail. Application is therefore rejected.

(VAISHALI PATIL-JADHAV,J.)

(NITIN B. SURYAWANSHI,J.)