



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 83 OF 2026

BHARAT RAMBHAU MORE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Avishkar S. Shelke
APP for Respondent-State : Ms. R. R. Tandale

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CORAM : SACHIN S. DESHMUKH, J.

Date : 2nd February, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 12.08.2025 bearing Crime No. 551 of 2025 registered with Sangamner Taluka Police Station, Ahilyanagar for the offences punishable under Sections 103(1) of the *Bhartiya Nyaya Sanhita, 2023*.

2. The prosecution's case is that the a report lodged by the informant Arun Vitthal Mali, concerning the homicidal death of his sister, Sangita Bharat More. The deceased was the first wife of the applicant / accused Bharat Rambhau More. Due to matrimonial disputes, the deceased had been living separately from the applicant for several years and had briefly cohabited with another individual prior to the lockdown. During this period of separation, the applicant contracted a second marriage with one Alkabai and established a household in Jakhuri, Taluka Sangamner.

3. It is further alleged that eight days prior to the incident, the deceased visited the applicant's current residence in Jakhuri to see her ailing niece. During this visit, she expressed a desire to reconcile and reside permanently with the applicant. The prosecution alleges that this demand became a point of contention, as the applicant was unwilling to accommodate the deceased due to his second marriage. This disagreement reportedly escalated into a dispute between the deceased and the applicant.

4. On 11.08.2025 approximately at 10.00 hours, the informant was notified of his sister's death. Upon arriving at the scene in Mande Mala, Jakhuri, the deceased's body was discovered in a secluded forested patch approximately 100 feet behind the applicant's residence. The spot inspection and preliminary observations revealed strangulation marks on the neck and blood oozing from the mouth, pointing toward a violent death. The prosecution contends that the applicant, motivated by the desire to remove the deceased from his life and settle the ongoing dispute regarding her stay, committed the act of murder by strangulation.

5. The learned counsel for the applicant contends that the applicant has been falsely implicated in the present crime out of suspicion and a long-standing matrimonial grudge. It is submitted that the prosecution case rests on circumstantial evidence, as there

is no eyewitness to the alleged occurrence. It is further submitted that the mere discovery of the body in a forest area 100 feet behind the residence does not axiomatically establish the applicant's guilt. Considering that the investigation is complete and the charge-sheet has been filed, continued incarceration is unjustified. Hence, prayed to allow the application.

6. The learned A.P.P. submits that the prosecution has cited material witnesses. It is further submitted that the Investigating Officer has seized various articles from the spot and there is substantial evidence against the present applicant indicating the complicity of the applicant. The offence is serious in nature. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution witnesses. Hence, prayed to reject the application.

7. Having heard the learned counsel for applicant and learned APP for State, the applicant is facing the charge of murder which is punishable with death sentence or imprisonment for life. The Hon'ble Apex Court in the case of **Kalyan Chandra Sarkar and Ors. vs. Rajesh Ranjan and Ors. [(2004)7 SCC 528]**, while laying down the guidelines for grant or refusal of bail in serious offences like murder, has observed as under :

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(c) Prima facie satisfaction of the court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh and Puran v. Rambilas.)

8. Similarly, the Honourable Apex Court in the case of **Pralhad Singh Bhati vs. NCT, Delhi [(2001)4 SCC 280]**, held that on satisfaction of prima facie evidence establishing the guilt of the accused, the bail can be denied.

9. The Honourable Apex Court in case of **Ram Govind Upadhyay vs. Sudarshan Singh [(2002)3 SCC 598]**, has held that a judicial discretion in granting bail must not be exercised whimsically, especially in heinous offences.

10. Equally, the Honourable Apex Court in the case of **State of UP through CBI Vs. Amaramani Tripathi [(2005)8 SCC 21]**, has held that the Court must evaluate the *prima facie* evidence showing the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused.

11. The Honourable Apex Court in the case of **Prasanta Kumar Sarkar vs. Ashis Chatterjee [(2010)14 SCC 496]**, has held that the mechanical grant of bail reflects non-application of mind, and outlined eight crucial factors to be considered, including reasonable ground for belief in guilt, nature of evidence and possibility of justice being thwarted.

12. Upon a perusal of the record, *prima facie*, it is evident that the incident involves a heinous crime under Section 103 of the Bharatiya Nyaya Sanhita (Section 302 of the IPC), wherein the deceased, Sangita, was found murdered in a brutal manner. The post-mortem findings and the preliminary investigation report dated 11.08.2025 *prima facie* indicate that the cause of death was strangulation, evidenced by the marks on the neck and the presence of blood at the mouth. This *prima facie* establishes that the death was homicidal and not accidental or natural.

13. The primary contention of the prosecution is the strong motive attributed to the applicant. It is admitted that the deceased

was the first wife of the applicant and had arrived at his residence in Jakhuri just eight days prior to the incident resolute to reconcile and reside with him. The fact that the applicant had entered into a second marriage with one Alkabai created a conflict. The statement of the informant, recorded on 11.08.2025, reveals that the deceased had expressed her fear and mentioned a recent dispute with the applicant regarding her right to cohabitation. Such a motive *prima facie* indicates a direct link between the applicant and the commission of the offence.

14. Moreover, the body of the deceased was discovered in a forested patch a mere 100 feet behind the applicant's residence at Mande Mala, Jakhuri. While the learned counsel for applicant argues the area is public, the extreme proximity to the applicant's house, coupled with the fact that the deceased was last known to be at that location to meet the applicant, creates a heavy burden of explanation under Section 106 of the Indian Evidence Act. At this stage, the "Last Seen" theory carries significant weight as the deceased was specifically in the applicant's locality to settle a domestic dispute with him. As such, as has been held by the Hon'ble Apex Court in the case of **Satpal Singh vs. State of Haryana [(2020)2 SCC 118]** that bail ought to be withheld, if prosecution has established the 'last seen together' circumstance alongwith corroborative material.

15. Releasing the applicant on bail at this juncture could lead to the tampering of evidence or the intimidation of material witnesses, many of whom are relatives or local residents of Jakhuri. The gravity of the punishment associated with the offence and the strength of the circumstantial evidence, specifically the motive and the proximity of the body to the applicant's dwelling, outweigh the applicant's plea for liberty.

16. The Hon'ble Apex Court in the case of **State of Bihar Vs. Amit Kumar [(2017)13 SCC 751]**, has held that delay especially in cases involving serious offences, cannot by itself be a ground for bail. In the present case, the trial is actively progressing, and the prosecution has demonstrated its commitment to concluding proceedings expeditiously. Given the seriousness of the offences charged, the extensive material evidence presented weighs overwhelmingly against the applicant.

17. Considering the material on record, a clear *prima facie* case has been established regarding the applicant's involvement. Given this conduct, there is a significant likelihood that the applicant will attempt to tamper with witnesses if released on bail. The Hon'ble Apex Court has consistently reiterated, when dealing with serious offenses such as murder, the court must prioritize the nature of the charges and the weight of the evidence.

18. In view of the aforesaid observations and having regard to the gravity of the offence, I do not find merit in the present application and accordingly, the bail application is ***rejected***.

19. 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.)

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