



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

BAIL APPLICATION NO. 508 OF 2026

Sheshrao S/o Digbamber Itthewad @ Itthewad

Age : 30 years, Occu. : Agri.,

R/o : Chidgiri, Tq. Bhokar,

District - Nanded

... Applicant

VERSUS

The State of Maharashtra,

Through I.O. Tamsa Police Station,

Dist. Nanded

... Respondent

AND

CRIMINAL APPLICATION NO. 1319 OF 2026 IN BA/508/2026

(Sanjay Shivaji Pawade Vs. Sheshrao Digamber Itthewad and another)

...

Advocate for Applicant : Mr. S.S. Panale (508/2026)

Addl.P.P. for Respondent/State : Mr. A.R. Kale

Advocate for applicant : Mr. G.G. Kadam (1319/2026)

CORAM : SHAILESH P. BRAHME, J.

DATE : 15.04.2026

PER COURT :

Heard both sides.

2. Criminal Application No. 1319 of 2026, seeking to assist the APP, is allowed.

3. The applicant is seeking regular bail in connection with Crime No.191 of 2025, registered with Tamsa Police Station, District – Nanded for the offences punishable under Section 137(2), 103(1), 238, 3(5) of Bharatiya Nyaya Sanhita, 2023.

4. A missing report was lodged by father that his son – Nakul was missing since night intervening between 25.10.2025 and 26.10.2025 from village Kandli (Bk), Tq. Himayatnagar, District - Nanded. After two days, it was revealed that

dead body of Nakul was found in a well which is at village Shingarwadi, Taluka – Bhokar.

5. The supplementary statement of the informant and other material collected during the course of investigation would show involvement of the applicant. The motive attributable to the accused is that deceased was having an affair with married daughter of accused no.1 – Ganesh, who happened to be the wife of the present applicant. The accused persons are alleged to have eliminated the deceased.

6. Learned counsel for the applicant submits that case is based on circumstantial evidence. The custodial interrogation of the co-accused did not reveal involvement of the applicant. He is falsely implicated in the offence. Applicant was not aware of any affair of his wife as alleged by the prosecution. He is arrested since 09.11.2025. Charge-sheet is filed on 07.12.2025. In the absence of any criminal antecedents, prays to be released on bail.

7. Learned Addl. PP Mr. Kale submits that there was strong motive for the applicant and others to commit murder of deceased – Nakul, who was impediment. It is a case of honour killing. A strategic conspiracy was hatched by applicant and others by inviting deceased through co-accused – Vaishali and, thereafter, he was done away with. CDR report would show co-ordination between applicant and others.

8. Learned counsel Mr. G.G. Kadam, appearing for applicant who has preferred application for assist to APP, submits that the location of the applicant was found to be in a village. He is the main culprit and due to affair of his wife with the deceased, he was murdered. Applicant is son-in-law of accused no. 1 – Ganesh.

9. FIR shows only missing of deceased Nakul. Supplementary statement recorded on 01.11.2025 shows that deceased was having affair with daughter of accused no. 1, who was married to present applicant. Further supplementary statement recorded on 08.11.2025 refers to name of the applicant as son-in-law in the last but one paragraph. Statement under section 183 of the informant confirms the position. The case is based on circumstantial evidence. There is no

direct material to disclose as to how the act in question was committed and dead body was thrown in a well.

10. The burden would be on the prosecution, to establish the guilt of the accused during trial.

11. CDR report discloses involvement of the applicant but that is a weak piece of evidence and bail cannot be denied solely on that count. No criminal antecedents are recorded against the applicant.

12. It is pointed out that statement of co-accused shows inconsistency. Statements of the co-accused has no probative value. *Prima facie*, it cannot be said to be a case of honour killing.

13. The submission of the learned counsel for the applicant that applicant was not aware of any affair of his wife with the deceased, cannot be countenanced. *Prima facie*, in the absence of any direct incriminating role, his further incarceration is not required.

14. I, therefore, pass the following order :-

ORDER

I] The Bail Application is allowed.

II] The applicant shall be released on bail in connection with Crime No. 191 of 2025, registered with Tamsa Police Station, District – Nanded for the offences punishable under Section 137(2), 103(1), 238, 3(5) of Bharatiya Nyaya Sanhita, 2023, on following conditions:

(a) The applicant shall furnish P.R. bond of Rs.50,000/- (Rs. Fifty Thousand only) with one solvent surety of like amount.

(b) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(c) The applicant shall not enter village Kandli (Bk), Tq. Himayatnagar, District – Nanded, till conclusion of the trial.

(d) The applicant shall furnish his mobile/cell number and address to the investigating officer.

(e) The applicant shall surrender his Adhaar /PAN cards, if any, to the Investigating Officer.

(f) The applicant shall co-operate for expeditious disposal of the trial.

(SHAILESH P. BRAHME, J.)

arp/-