



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

BAIL APPLICATION NO. 559 OF 2026

1] Anil Sanjay Londhe,
Age – 22 years, Occu – Service,
R/o. Near Hanuman Temple,
Railwadi, Kokamthan, Kopargaon
Tq. Kopargaon, Dist. Ahilyanagar

2] Dinesh Vithal Asane,
Age – 21 years, Occu – Service,
R/o. Mahajanvasti, Bramhangaon,
Tal. Kopargaon, Dist. Ahilyanagar

... Applicants

VERSUS

The State of Maharashtra,
Through the Police Inspector,
Kopargaon Police Station,
Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar

... Respondent

AND

**CRIMINAL APPLICATION NO. 1601 OF 2026 IN
BAIL APPLICATION NO. 559 OF 2026**

(Mahesh Gorakshnath Kakad V. Anil Sanjay Londhe and others)

...

Advocate for Applicants : Mr. Shailesh S. Chapalgaonkar
Addl.P.P. for Respondent/State : Mr. A.R. Kale
Advocate for assist to PP : Mrs. Sunita G. Sonawane

CORAM : SHAILESH P. BRAHME, J.

DATE : 27.04.2026

PER COURT :

Heard both sides.

2. Criminal Application No. 1601 of 2026, seeking to assist PP, is allowed.
3. The applicants are seeking enlargement on bail in connection with Crime No. 251 of 2025, registered with Kopargaon Police Station, Dist. Ahilyanagar for the offences punishable under Section 103(1), 140(1), 189(2), 191(2) of Bharatiya Nyaya Sanhita, 2023.

3. They are involved in the above referred offences and are arrested on 10.05.2025. It is alleged that applicants' deceased brother – Sainath was having friendship with co-accused Rupali Londhe. They were in touch with each other at Pune. Informant, who was working at Pune, was informed by his father that Sainath was being admitted to the hospital at Shirdi. On reaching Shirdi, he found that his brother was not responding to the treatment and declared to be dead. His father intimated him that deceased Sainath was brought from Pune to Kokamthan by accused persons. He was unconscious. Informant's father reached at Kokamthan and found that his son was unconscious with soaked clothes. He was shifted to hospital. It was learnt by informant that in the midnight on 10.05.2025, deceased was dragged from the room by the accused persons and was abducted. He was assaulted at Kokamthan and administered some poisonous substance.

4. Learned counsel Mr. S.S. Chapalgaonkar submits that no incriminating material is discovered against the applicants during investigation. The statements of Gorakshnath and Suhas would indicate that applicant – Anil helped Sainath in shifting to the hospital. There is absence of *mens rea*. Deceased Sainath was addicted to liquor and drugs. He was fully drunk when he was taken from Pune. He was in severe attack of depression. The prosecution theory is doubtful. The reports of the chemical analysis do not support the prosecution theory. When application of co-accused Rahul was rejected, reports of chemical analysis were not available.

5. Learned APP submits that the material is collected to make out a case of motive. Statement of Kishor and WhatsApp messages between deceased and Kishor would indicate the motive. The post-mortem report shows injuries on body which are noted in column no. 17 showing signs of assault. The deceased is stated to have been administered drug or poisonous substance, cannot be ruled out. He is lastly seen in the company of applicants and others. A Co-ordinate Bench of this Court also rejected application (BA/1910/2025) of Rahul on 04.12.2025.

6. There is no direct material on record to show the cause of death. No material is collected to show as to what happened when deceased was brought from Pune to Kokamthan. Statements of the room-mates Suhas and Shubham

would disclose that deceased was fully drunk when he was abducted from Pune to Kokamthan. It further reveals from their statements that he was in depression for preceding two months and frequently consumed liquor. Statement of Shubham shows that on 08.05.2025, deceased called him and started crying on phone. The deceased is seen to be terribly upset for couple of days before his death.

7. The statement of father – Gorakshnath indicates that when he reached Kokamthan on phone call of Rupali's father, he found his son unconscious. Applicant – Anil and co-accused Rahul helped the witness to shift the deceased to the hospital through a car. There was no reason for the applicants to make an endeavour to save the deceased. No *mens rea* can be made out as against the applicants.

8. The post-mortem report indicates four injuries in column no. 17. The contents of the stomach was found to have dark brownish and yellowish substance with kerosene like odour. Injury no. 1 in column no. 17 pertains to Therapeutic IV injection marks present over right cubital fossa, right dorsal aspect of right wrist. Due to severe depressed mental state of the deceased, the possibility of resorting to the drugs, cannot be ruled out. The cause of death is reported to be due to unknown poisonous compound. The reports of the Chemical Analysis of viscera and blood rules out administration of poison. In such a situation, the prosecution theory becomes doubtful. The false implication of the applicants cannot be ruled out.

9. To make out a case of motive, my attention is adverted to the statement of Kishor, invitation card and WhatsApp chats. Due to the obscene message of the deceased, co-accused Rupali is alleged to have committed murder with the help of the co-accused. Material for motive is scanty. It is incomprehensible, as to how co-accused Rupali would take a drastic step of eliminating Sainath. The matter could have been solved by removing the misunderstanding. In this case, what happened to deceased after bringing to Kokamthan, remains a mystery. The co-accused was not granted relief by the High Court but that time the reports of the chemical analysis were not available or they were not pointed out. The order cannot be said to be an impediment to deny bail to the applicants.

10. The applicants are behind bars since 10.05.2025. Chargesheet is filed on 07.08.2025. Their further detention is not warranted.

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

ORDER

I] The Bail Application is allowed.

II] The applicants shall be released on bail in connection with Crime No.251 of 2025, registered with Kopargaon Police Station, Dist. Ahilyanagar for the offences punishable under Section 103(1), 140(1), 189(2), 191(2) of Bharatiya Nyaya Sanhita, 2023, on following conditions:

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

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

(c) The applicants shall furnish their mobile/cell numbers and addresses to the investigating officer.

(d) The applicants shall surrender their Adhaar Cards / PAN Cards, if any, to the Investigating Officer.

(e) The applicants shall co-operate for expeditious disposal of the trial.

(SHAILESH P. BRAHME, J.)

arp/-