



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

BAIL APPLICATION NO. 653 OF 2026

Dnyaneshwar Ram Tayde,
Age : 28 years, Occu : Agri.,
R/o : Somthana, Tq. Badnapur,
Dist. Jalna

... Applicant

VERSUS

The State of Maharashtra,
Through Badnapur Police Station,
Tq. Badnapur, Dist. Jalna

... Respondent

...
Advocate for Applicant : Mr. P.P. More
A.P.P. for Respondent/State : Mr. S.V. Hange

CORAM : SHAILESH P. BRAHME, J.

DATE : 27.04.2026

PER COURT :

Heard both sides.

2. The applicant is seeking enlargement on bail in connection with Crime No.489 of 2025, registered with Badnapur Police Station, Dist. Jalna for the offences punishable under Section 103(1), 238, 61(2)(a) of Bharatiya Nyaya Sanhita, 2023.
3. The applicant is arrested on 13.11.2025. Charge-sheet is filed on 06.02.2026.
4. It is reported by father of the deceased Parmeshwar that he had two sons, namely, applicant – Dnyaneshwar and deceased – Parmeshwar who had jointly purchased harvester machine. The deceased is stated to have residing separately with his wife – Manisha, the co-accused. On 15.10.2025, when informant had been to the place of Parmeshwar, it was disclosed by co-accused Manisha that her husband had been to Rajasthan. As he did not return thereafter,

and unable to be contacted, a missing report was lodged on 20.10.2025. On 12.11.2025, his dead body was found in the lake at Valha - Somthana. The post-mortem was conducted at the spot. The co-accused Manisha is alleged to have confessed informant that deceased was murdered by applicant – Dnyaneshwar and herself due to their illicit relations. He is alleged to have been assaulted by them by axe and thrown in the lake.

5. Learned counsel for the applicant Mr. P.P. More submits that the prosecution theory is improbable. From 15.10.2025, till 13.11.2025, no suspicion was expressed against the applicant. The confession of co-accused Manisha is inadmissible. The theory that after funerals, the co-accused confessed before the informant, cannot be accepted. The conduct of the applicant is relevant. He did not try to flee away. The axe did not have blood stains.

6. Per contra, learned APP submits that incriminating material is collected against the applicant. There was strong motive for applicant and Manisha, to eliminate deceased – Parmeshwar because he had learnt about their illicit relations. A plan was hatched by them and deceased was assaulted by axe and, thereafter, strangled. The recovery of the weapon corroborates the prosecution theory. No relief can be granted to the applicant.

7. In the present matter, informant is father of the deceased victim as well as applicant. The illicit relations between applicant and co-accused Manisha who happen to be wife of deceased Parmeshwar, is stated to be the motive. Parmeshwar was missing from 15.08.2025 and his dead body was found on 12.11.2025. There is no material to connect the applicant to the actual assault. The recovery of weapon is weak piece of evidence so is the case with extra-judicial confession made by co-accused Manisha before the informant and others. Howsoever strong motive may be, that would not take place of the proof of actual commission of the crime.

8. From 15.08.2025 till 13.11.2025, no doubt was raised against the applicant and co-accused. The statement of Gopal indicates that the post-mortem was conducted at the spot. The illicit relations of applicant and Manisha was found to be the motive. The informant and his wife were present when post-mortem was

conducted. They stated that co-accused Manisha confessed about the overt act after conducting the funeral, which appears to be improbable. The prosecution theory is doubtful. Further incarceration of the applicant is not required.

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

I] The Bail Application is allowed.

II] The applicant shall be released on bail in connection with Crime No 489 of 2025, registered with Badnapur Police Station, Dist. Jalna for the offences punishable under Section 103(1), 238, 61(2)(a) 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 furnish his mobile/cell number and address to the investigating officer.

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

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

(SHAILESH P. BRAHME, J.)

arp/-