



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 991 OF 2026

LAHANU RAMJI SATDIVE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Yogesh D. Kale
APP for Respondent-State : Mr. Satish A. Gaikwad

CORAM : SACHIN S. DESHMUKH, J.

Date : 11th June, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 04.01.2026 bearing Crime No. 03 of 2026 registered with Shivoor Police Station, Dist. Chhatrapati Sambhajanagar for the offences punishable under Sections 103(1) and 238 of the *Bharatiya Nyaya Sanhita*, 2023.

2. The prosecution case began when the accused initially approached the Police Station Officer (PSO) at Shivoor Police Station to file a missing person's report for the deceased, Nanasaheb Divekar. During the investigation into this missing report, the Police Authority discovered evidence indicating that the accused had actively murdered the deceased. Further suspicion arose when the informant visited the house of the accused and

observed visible blood stains on the tiles, the sofa set, and the wall. This prompted the informant to closely scrutinize the house and its adjacent premises, leading to the discovery of a freshly closed pit in the backyard.

3. The informant subsequently dispatched letters to the Tahsildar of Vaijapur and the Medical Officer at the Primary Health Centre (PHC) in Loni, alongside a request to the Village Development Officer to secure two independent panchas. Upon reopening and digging the pit in the presence of these authorities, the body of the deceased was exhumed and formally identified.

4. Following a detailed on-spot panchanama prepared by the informant, a post-mortem examination was conducted on the body, and a report was initially lodged asserting that an unknown person had committed the murder. During the investigation, the police secured CCTV footage and prepared a comprehensive spot panchanama, which collectively provided the basis for the formal arrest of the accused. While in police custody, the accused allegedly volunteered a confessional statement, which was duly recorded under a memorandum panchanama.

5. Acting upon this disclosure, the police recovered and seized the incriminating weapon, a sickle used in the commission of the offence, from a conspicuous place pointed out by the accused. The subsequent investigation established the motive, revealing that the accused killed the deceased under the suspicion that the deceased was maintaining an illicit relationship with his wife. Upon completing all necessary investigative procedures, the police filed the final charge sheet against the accused before the competent court.

6. The learned counsel for the applicant submits that the applicant has been falsely implicated in the offence. The entire prosecution case rests on weak, circumstantial evidence. The initial report filed on behalf of the State explicitly stated that an unknown person had committed the murder. The alleged confessional statement was recorded while the accused was in police custody, rendering it legally inadmissible and devoid of any evidentiary value.

7. The learned counsel for applicant further submits that the investigation is complete and the charge-sheet is filed. Nothing remains to be recovered at the instance of applicant. The arrest of

the applicant has been effected on 04.01.2026 and since then, is in jail. As such, further incarceration of the applicant is unjustified. Hence, prayed to allow the application.

8. The learned APP opposed the application, submitting that the offence is serious in nature and the accused has committed a heinous and pre-planned murder of the real brother. The prosecution contends that there is a strong prima facie case against the accused, supported by incriminating circumstantial evidence that forms a continuous and unbroken chain of guilt. the presence of bloodstains on the tiles, the sofa set, and the walls inside the accused's residence clearly establishes that the brutal crime.

9. The learned APP further submitted that if the applicant is released on bail, there is every possibility of the prosecution evidence being tampered with or the offense being repeated. Accordingly, it was prayed that the application be rejected.

10. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, the entire case of the prosecution is premised completely on

circumstantial evidence, as there is admittedly no eyewitness to the actual commission of the alleged murder. The initial FIR lodged on behalf of the State explicitly named an unknown person as the perpetrator, which creates an initial triable issue regarding the identity of the culprit. The voluntary nature, truthfulness, and evidentiary admissibility of the alleged confessional statement and the subsequent recovery of the weapon under Section 27 of the Indian Evidence Act (now Section 23 of the Bharatiya Sakshya Adhiniyam) are matters of strict proof that can only be conclusively determined during the course of the trial.

11. Moreover, the prosecution has not brought forward any material to indicate that the accused has past criminal antecedents or is a flight risk who might evade the grand course of justice. The investigation is complete for all intent and purpose and the charge-sheet is filed. Having regard to the number of accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. The applicant has been in the custody since 04.01.2026.

12. As such, further detention of the applicant as an under

trial prisoner, in the circumstances of the case, does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant. The apprehension expressed by the learned APP about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

13. Hence, the following order:

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Lahanu Ramji Satdive be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in Crime No. 03 of 2026 registered with Shivoor Police Station, Dist. Chhatrapati Sambhajnagar for the offences punishable under Sections 103(1) and 238 of the *Bharatiya Nyaya Sanhita*, 2023, on the following conditions :-
 - (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicant shall enter into entire village of Balegaon, Tq. Vaijapur, Dist. Chhatrapati Sambhajnagar till conclusion of the trial.

- (c) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (d) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (e) Breach of any of the conditions by the applicant would entail the cancellation of the bail.
 - (f) It is clarified that in the event of a breach of any of the conditions imposed herein, the prosecution shall be at liberty to move the concerned Court for cancellation of bail, notwithstanding the fact that this bail has been granted by this Court.
- (iii) 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.)

Omkar Joshi