



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

APPLICATION FOR CANCELLATION OF BAIL NO. 25 OF 2026

SANJAY MOTIRAM RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. D.R. Kale Patil

Addl.PP for Respondents/State : Mr. A. S. Shinde

Advocate for Respondent No.2 : Mr. Nilesh S. Ghanekar

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CORAM : MEHROZ K. PATHAN, J.

DATE : 1st APRIL 2026

PER COURT :

1. Heard the learned Counsel for the Applicant Mr. Kale the learned Counsel Mr. Ghanekar for Respondent No.2 and the learned APP Mr. Shinde for the Respondent No.1/State.

2. The application is filed by the Applicant seeking cancellation of bail granted to Respondent No.2/Onkar Chavan. Learned Counsel for the Applicant vehemently submits that the trial Court failed to consider the gravity of the offence alleged against Respondent No.2. The Respondent No.2 is accused of involvement in the offence of murder, which is punishable with death or life imprisonment. The allegations are serious in nature. The observations made by the trial Court do not show any proper application of mind to the evidence collected by the prosecution in

support of its claim to bring home the guilt of Respondent No.2. The Respondent No.2 was present at the spot, assisting the main accused, Archana Rathod. Both accused persons attempted to protect each other by giving contradictory statements to the police authorities during the investigation. Thus, this was not a case where powers under Section 482 BNSS could be exercised for grant of anticipatory bail, as custodial interrogation was necessary to complete the investigation into the alleged murder of Om Rathod, who died under mysterious circumstances. Therefore, this is a fit case for exercise of powers under Section 439(2) CrPC to cancel the bail on merits.

3. As against this, the learned Counsel Mr. Ghanekar for Respondent No.2 submits that the trial Court has duly taken into consideration the investigation papers made available by the prosecution. The police authorities themselves did not register any FIR under Section 103 BNSS initially, having regard to the statements recorded during the AD inquiry. The statements of Pandit Tathe, Prashant Damodhar, and other witnesses clearly indicate that the incident was a case of pure accidental death of deceased Om Rathod, who had bolted the doors of the house from inside and set the cylinder on fire. The deceased was found in a burnt condition. There are witnesses who corroborate the version of the accused, stating that the people present at the spot were required to break open the doors to enter the house, where they found the deceased in a burnt condition. Thus, a case of accidental death was sought to be

converted into a case of murder. The complainant had to approach the learned JMFC for obtaining orders for registration of FIR, and the present FIR is a result of those directions. Taking into consideration the entire facts of the case, the trial Court has rightly exercised its discretion under Section 482 BNSS. Merely because the offence alleged is murder, it does not by itself deprive the Court of jurisdiction to exercise discretion under Section 482 BNSS to release Respondent No.2 on anticipatory bail. The application for cancellation of bail is therefore devoid of substance and liable to be rejected.

4. I have gone through the order passed by the learned trial Court in Cri. Bail Application No. 2129/2025, granting pre-arrest bail to the Respondent No.2. A perusal of the same shows that on the date of the incident itself, the statement of the accused Archana was recorded on 20.08.2025. In that statement, she stated that the incident had taken place in her house and that she immediately ran to neighbour Pandit Tathe for help, requesting him to save the deceased. The statement recorded on 22.08.2025 shows that she stated the doors of the house were closed from inside and that the deceased was not opening them. This statement of the accused Archana is corroborated by two other witnesses, namely Prashant Damodhar and Pandit Tathe. Witness Prashant specifically stated that all the entries of the house, i.e., the doors as well as the windows, were latched from inside, and that he was required to break them open with an iron rod, with the assistance of people present at the

spot. After opening the house, they entered and found the deceased in a burnt condition. His statement was also recorded on the date of the incident, i.e., 20.08.2025.

5. Similarly, the statement of neighbour Pandit Tathe, to whom the accused Archana had immediately approached after the incident, was recorded on 21.08.2025, i.e., the next day. He corroborated the facts stated by the accused Archana, confirming that she had immediately approached him for help after finding that the deceased was inside the house. The said witness Pandit also stated that all the doors of the house were latched from inside. With the assistance of labourers working at a nearby construction site, the people gathered at the spot were required to break open the doors. Upon entering the house, they found the deceased in a burnt condition. There are other statements on record which corroborate the narration of facts made by the accused Archana in her initial statement recorded on 20.08.2025. The alleged discrepancies between the her statements dated 20.08.2025 and 22.08.2025 are not of such a nature as to prima facie disbelieve the version put forth by the accused Archana. However, these observations are only prima facie in nature and shall not influence the trial Court. Initially, an accidental death was registered, and an inquiry was conducted by the police regarding the accidental death of the deceased. Even though a complaint was made by the first informant, the police authorities did not register an offence of murder against the accused Archana or the other accused persons. The accused Archana was therefore required to approach

the Learned JMFC for obtaining appropriate orders. The present FIR is a result of the directions issued by the Learned JMFC.

6. The initial inquiry and witness statements clearly indicated a case of accidental death, and the FIR came to be registered only upon directions of the learned JMFC. The seriousness of the offence alleged, by itself, does not curtail the jurisdiction of the Court to grant anticipatory bail when the facts justify such exercise of discretion. It is almost a settled law that the scope for interference in matters of cancellation of bail, where the accused has been released after due application of mind by the Trial Court, is very limited. It is only in the event of any supervening circumstances that the superior Court can intervene in the order releasing the accused on bail. No such circumstance or subsequent conduct of the accused has been brought to the notice of this Court, nor is there any material to show that the accused extended threats which could have caused prejudice to the prosecution case. Thus, in the absence of any material to show that the accused has violated any of the conditions, I am not inclined to interfere with the well-reasoned order dated 04.11.2025, wherein the learned Sessions Court exercised its discretion to release the accused on bail.

7. Thus, taking into consideration the material placed on record, this Court is of the opinion that the trial Court has rightly exercised its discretion under Section 482 BNSS in granting anticipatory bail to Respondent No.2. Accordingly, the application

seeking cancellation of anticipatory bail granted to Respondent No.2 is found to be devoid of merit and is hereby rejected. The application for cancellation of bail is therefore rejected and disposed of accordingly.

MEHROZ K. PATHAN
JUDGE

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