URMILA PRAMOD INGALE
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4081 OF 2025

Dattu Dhondu Dhagle ...Applicant

V/s.

The State of Maharashtra ...Respondents

Mr. Veerdhawal Deshmukh, for the Applicant.
Mr. H.J. Dedhia, APP for Respondent No.1- State.

CORAM: SHYAM C. CHANDAK, J.
DATED : 22 October, 2026

P.C. :-

1. Heard learned Counsel for the parties. Perused the record.

2. The applicant seeking his release on bail in Cr.No.13/2023 registered with Kinhavali Police Station, Thane-Rural for offence punishable u/Ss. 302, 201 & 34 of the Indian Penal Code, 1860 ("IPC") on the report dated 17.01.2023 lodged by Mr. Ravindra Avhad, PSI.

3. Mr. Deshmukh, the learned Advocate submitted that there is no evidence against the applicant, showing that, after entering into the MoU, even once, he had contacted the deceased and tried to harm her. He pointed that, on the day of the murder, first, at the instance of the applicant, the deceased was abducted from her village by co-accused Amol Gopal and Manohar Korde on the pretext of taking her for a mock-interview. She was then murdered on the way and her body was disposed of in a quarry, at an isolated place which was known to the applicant. However, even the mother of the deceased or any person from her village did not come forward on 16.01.2023 and claimed that the deceased was so

abducted on that day on the pretext of the interview. On the contrary, in her initial statement, the mother of the victim stated that on 14.01.2023 the deceased had gone to attend a Meeting of *Bachat Gat*. Thus, there is material inconsistency in the prosecution witnesses. He submitted that, there is great delay in collecting the samples of the blood allegedly found in the Alto car of the applicant which was lying in open to the sky in the police station premises. Therefore, the prosecution case is highly improbably *qua* the applicant and, it endorses the assertion about his innocence and entitlement for bail.

4. Mr.Dedhia, the learned APP submitted that the deceased Bharti was the daughter of Gangubai Khade. On 16.01.2023, the body of the deceased was found at an isolated quarry, filled with water. The initial investigation revealed that she was murdered and tying with stones, her body was thrown in that quarry to cause disappearance of the evidence.

As pointed by Mr. Dedhia, about one and half years prior to the incident, the applicant and the deceased were in love relations. The applicant wanted to marry with the deceased. Therefore, they had filed an application for registered marriage with the Jt. Sub-Registrar Office, Class 2, Nashik-1 and the Marriage Registration Officer, Nashik. But, the marriage could not be registered as they did not attend there in the given time. The deceased was 21 years of age, the applicant was 43 years of age and he had two children, therefore, the mother and maternal uncle of the deceased were against the marriage. The deceased was also not firm on her decision to marry the applicant. There used to be disputes of the applicant with the deceased and her mother on that account. Mr. Dedhia submitted that, therefore, the applicant had allegedly

threatened that he would not let the deceased marry with any other person. However, a MoU was registered before a Notary Public, therein, it was agreed that thenceforth, the parties would not dispute and marry and the applicant had paid Rs.70,000/- to the deceased. Consequently, the applicant was annoyed.

The statement of witness Mr. Chhajed, as highlighted by Mr. Dedhia, indicate that on 10.01.2023, the applicant had told Mr. Chhajed to arrange a mock-interview for applicant's niece on the pretext that his niece had to appear for an interview in a medical store. Further, the applicant sent some information to Mr. Chhajed on whats app. In turn, Mr. Chhajed suggested the name of co-accused Amol Gopal, a Medical Representative. Mr. Dedhia submitted that, according to Mr. Chhajed, on 14.01.2023, at the instance of the applicant, co-accused Manohar Korde took the Maruti Ecco car of witness Sopan Korde. Then co-accused Amol Gopal and Manohar Korde picked up the deceased from her village in Nagar District and while they were coming towards *Ambewadi*, the applicant came across their car driving his Alto car in *Ambewadi Ghat*. There, the applicant caused the deceased to get of the Ecco car, assaulted her with a wooden log, made her to seat in the Alto car and then the applicant and co-accused Manohar Korde abducted the deceased towards Igatpuri. At about 4.30 p.m. Amol Gopal phoned Mr. Chhajed, called him near the hotel of the applicant and disclosed him the incident as above. At that time, co-accused Amol Gopal gave the school documents of the deceased to Mr. Chhajed. Then Mr. Chhajed and co-accused Amol Gopal phoned the applicant and inquired about the deceased, but, he stated that the deceased had fled from his car on the same day. Meanwhile, the applicant and co-accused Manohar Korde committed the murder of the deceased, and, with the aid of co-

accused Dhondiram Bhagde, they tide the body of the deceased with stones by means of wire brought by Dhondiram Bhagde and, threw the dead body in the quarry at village Sakurli, which police found on 16.01.2023.

Mr. Dedhia submitted that co-accused Amol Gopal has recovered the school documents of the deceased. He submitted that, on 22.02.2023, police seized the Alto car of the applicant. The FSL team inspected that car on 03.03.2023 and, collected the samples of the blood found in the car. As per the DNA report, said blood in the Alto car matched with the blood of the deceased. He submitted that these circumstances corroborate the witnesses.

Mr. Dedhia vehemently submitted, thus, all accused persons have committed this offence. Consequently, the Order of rejection of the applicant's prayer for bail need not be upset.

5. Considering the submissions of Mr. Dedhia, the learned APP and the material on record, it appears that there were love relations between the applicant and the deceased and that, the applicant wanted to marry her. However, the age gap posed an obstruction in their marriage. Consequently, the applicant was annoyed. It further appears that on 14.01.2023, at the instance of the applicant, the said Ecco car was taken by accused Manohar Korde and Amol Gopal from its owner Sopan Korde.

However, as submitted by Mr. Deshmukh, there is no evidence that on 14.01.2023, the deceased was abducted by accused Manohar Korde and Amol Gopal. Before that, as indicated from the record, the applicant was in contact with witnesses- Mr. Chhajed and Surekha Bangar in connection with an interview of the deceased in the said medical company. However, there is no

evidence that the co-accused- Manohar Korde and Amol Gopal had abducted the deceased on 14.01.2023 and then they took her towards Ambewadi. In fact, no witness has seen the abduction of the deceased nor that the applicant joined them and committed the murder. This entire story is based on the confession by accused Amol Gopal before Mr. Chhajed.

5.1 Initially, when the mother of the deceased was enquired by police, she did not disclose that the deceased was taken by accused Amol Gopal and Manohar Korde for the purpose of interview. On the contrary, the deceased had told her mother that she was going to attend the meeting of *Bachat Gat*. Thus, there is material discrepancy.

6. Record indicate that, the applicant was arrested on 22.02.2023. On the same day, his Alto car was seized on being produced by his brother. However, the doors of the car were not sealed to avoid the possibility of fabricating evidence. Thereafter, the Alto car remained in the police station premises in an attended condition. On 03.03.2023, the said car was inspected by the team of FSL when samples of certain blood found in that car were collected and ultimately, as per the DNA report, it was found to be the blood of the deceased. However, it cannot be ignored that during that 10 days, the said car was in the police custody and, vulnerable to fabricating evidence. As such, the unexplained delay in inspection of the car by the FSL team weighs in favour of the applicant. The recovery of the school document is not attributable to the applicant. Moreover, it is not understandable as to why co-accused Amol Gopal wanted to retain the documents of the deceased and hand it over to Mr. Chhajed particularly when his co-accused was also involved in the abduction of the deceased and

wanted to commit the murder and cause disappearance of the dead body. There is no other evidence against the applicant showing his complicity in the alleged crime.

7. The conspectus of the above discussion is that, whether the applicant has committed this offence or not, is a question of trial. That apart, the applicant is in jail for 3 years and 8 month. Mr. Deshmukh submitted that till date, the trial has not commenced. The prosecution has cited total 83 witnesses. The trial will therefore take a considerable time to conclude. Consequently, the detention of the applicant in jail will amount to an unjust denial of his liberty. Therefore, applicant is entitled for bail. Hence, Order:-

(i) Applicant – Dattu Dhondu Dhagle shall be released on bail in connection with an FIR bearing Cr.No.13 of 2023 registered with Kinhavali Police Station, Thane (Rural) on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark his attendance at Kinhavali Police Station, Thane (Rural) on the 1st day of each month between 12:00 noon to 4:00 p.m., till the conclusion of the trial.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.

(iv) The applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witness to prevent them from deposing against him.

(v) On being released from jail, the applicant shall furnish his contact number and residential address to the Investigation Officer and shall keep him updated, in case there is any change.

(vi) It is clarified that any observation made in the present order are for the purpose of deciding the present Bail Application and should not influence the out come of the trial and also not be taken as an expression of opinion on the merits of the case.

8. Application stands disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.)