



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [B.A.] NO. 64 OF 2026

Suresh S/o Vitthal Bawane

-- VERSUS --

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms. Aastha Sharma, Advocate (appointed) for the Applicant.

Mr. A.G. Mate, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 12, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.314/2024 for the offence punishable under Sections 103(1) and 49 of the Bharatiya Nyaya Sanhita, 2023 (BNS), registered with Police Station Girad, District Wardha.

3. The case of the prosecution is that, on 20/09/2024, informant dropped the deceased since she was travelling to their village. However, she did not reach the village. Therefore, missing report was lodged by the husband on 22/09/2024. One skeleton was found in the Khek forest which has later identified by the husband on 01/12/2024 on the basis of jewellery, and on the basis of suspicion the present applicant was arrested on 02/12/2024.

4. The learned counsel appearing for the applicant submits that there was love affair between the applicant and the deceased. She further submits that the applicant is also having love affair with accused No.2. In the entire charge-sheet there is no sufficient material to connect the present applicant with the alleged murder of deceased. Only on the basis of CDR report, it is very difficult to connect the applicant with the alleged murder of the deceased. She further submits that the body which was identified was only on the basis of jewellery, however, no DNA report is received till today in order to show that the deceased – Gita Salwe is the same person. The case is based on circumstantial evidence, there are no circumstance against the applicant, except two calls on 20/09/2024 in the morning. She further submits that so far as the statement of mother of the accused No.2 is concerned, it was recorded on 04/02/2025, and therefore, at no point of time, she has disclosed anything about the information given by the accused No.2 about killing the deceased by the present applicant, and therefore, she submits that this is nothing but a concocted and planted statement. She further submits that apart from this there is nothing against the present applicant and as the investigation is complete and charge-sheet is filed, applicant be released on bail.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that missing report goes to show that the husband of the deceased has left the deceased at bus stand and from there the applicant has picked the deceased and taken her to forest. He has heavily relied on the two circumstances, one is the CDR report and another is the statement of the mother of the accused No.2. According to him, these two circumstances are sufficient to connect the present applicant with the alleged crime. He further submits that as per the statement of the husband, husband has left the deceased at bus station and this story is corroborated by the CDR report which shows that calls were made by the present applicant to the deceased on 20/09/2024 and from that day, the applicant was not seen by anyone, and therefore, he submits that considering the motive, CDR report and the statement of the mother of the accused No.2 it is sufficient to connect the applicant with the alleged murder of the deceased – Gita.

6. Upon hearing both the sides, admittedly, it appears that, deceased – Gita was dropped by her husband at bus station on 20/09/2024. However, when she did not reach the village, her husband searched for her for 2 days, and thereafter, on 22/09/2024, missing report was registered, wherein

the husband has contended that before 3-4 months quarrel took place between the applicant and the deceased. It further appears that for approximately one and half month, the dead body was not found, however, on 08/11/2024, one skeleton was found in the Khek forest. Accordingly, A.D. report was registered and further on 01/12/2024, the body was identified on the basis of jewellery which was on the deceased body. Accordingly, on the basis of suspicion, the present applicant was arrested on 02/12/2024. Admittedly, it appears that, on the day, i.e., on 20/09/2024, there are two call records between the present applicant and the deceased, however, there is no circumstance which goes to show whether the applicant picked up the deceased from bus station or not. Further, it is to be noted that merely on the basis of these two calls between deceased and applicant, that by itself, is not sufficient to connect the present applicant with the aforesaid crime, in the light of the fact they are having love affair. It is further to be noted that the statement of mother of the accused No.2 was recorded on 04/02/2025, wherein she has disclosed that accused No.2 has informed her that the present applicant has killed the deceased, however, the fact remains that she has never disclosed this fact at any point of time to the Investigating Officer. It is only after 5 months from the date of missing, the said fact was disclosed by the mother of the accused No.2,

and therefore, it is very difficult to rely on the said statement at present. It is further to be noted that the death of the deceased even presuming for a moment that the skeleton is of the deceased, however, it is not clear whether the death is homicidal or suicidal or otherwise. Under such circumstances, merely on the basis of these two circumstances, the applicant cannot be kept behind bar as the applicant is in jail since 02/12/2024. Considering the overall facts and circumstances of the case and the investigation is over and charge-sheet is filed, I am inclined to grant bail to the applicant on imposing stringent conditions. Hence, the following order:-

ORDER

- (i) The Criminal Application is **allowed;**
- (ii) The applicant/accused (Suresh S/o Vitthal Bawane) be released on regular bail in connection with Crime No.314/2024 registered with Police Station Girad, District Wardha, for the offence punishable under Sections 103(1) and 49 of the Bharatiya Nyaya Sanhita, 2023 (BNS), on his furnishing a P.R. bond of Rs.25,000/- (Twenty Five Thousand Rupees) with two solvent sureties in the like amount;

(iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence;

(iv) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency;

(v) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail or even trial Court *suo moto* take cognizance of this and cancel the bail;

(vi) Fees of the appointed counsel be quantified and paid as per rules;

(vii) Pending Misc. Application(s), if any, also stand disposed of.

7. The observations of this Court are *prima facie* in nature. The Trial Court shall not be influenced by the observations of this Court and the observations are restricted to this bail application only.

[M.M. NERLIKAR, J]