



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

CRIMINAL APPLICATION [B.A.] NO. 949 OF 2025

Akshay Shantilal Mehar

-- 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.

Mr. Dhruv Sirpurkar, Advocate a/b. Mr. S.V. Sirpurkar,
Advocate for the Applicant.

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

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 12, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.22/2025 for the offence punishable under Sections 103(1) and 238 of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Sindkhed Raja, District Buldhana.

3. The informant, Datta Shinde, lodged the present report on 20/02/2025 at Police Station Sindkhed Raja. He stated that he works as a private driver at Nerul, Navi Mumbai, while his brother, Santosh Shinde, was residing at Sindkhed Raja and earning his livelihood through daily wage labour. On 18/02/2025, at about 6:00 p.m., the informant received a phone call from his friend informing him that his brother was found lying in a dead condition

near Moti Talav at Sindkhed Raja and that there were injury marks on his body along with marks around the neck. The informant immediately travelled to Sindkhed Raja and on the next morning saw the dead body of his brother at the Rural Hospital, where he noticed injuries on the head, face, chest, stomach and back, and marks around the neck. The informant further alleged that on 17/02/2025, at about 9:00 p.m., the accused Akshay Shantilal Mehar took the deceased on his motorcycle from Jijamata Nagar. It is alleged that thereafter the accused, along with other unknown persons, assaulted the deceased due to previous disputes and strangulated him to death, and later threw his body near Moti Talav at Sindkhed Raja. The informant also stated that a few days prior to the incident, the accused had allegedly assaulted and threatened the deceased with death threat. Accordingly, the F.I.R. came to be lodged.

4. The learned counsel for the applicant submits that the incident is alleged to have taken place on 17/02/2025, however, the First Information Report was registered by the brother of the deceased on 20/02/2025, as the dead body was found on 18/02/2025. He submits that the story put forth by the prosecution is improper, as could be seen from entire material. He further submits that the circumstances, such as last seen, extra-judicial

confession, and recovery of a rope, are against the applicant. The entire evidence cannot be believed for the simple reason that the statements are recorded only after the arrest of the accused, i.e., on 21/02/2025. Though the name of applicant appears in the F.I.R., however, that is mentioned merely on suspicion. He submits that after arrest of the applicant on 21/02/2025, two statements were recorded, wherein it is alleged that the applicant had confessed before them that the applicant has committed murder of the deceased – Santosh on 17/02/2025, in his agricultural field. It is further stated in the confession that, after committing the murder of the deceased – Santosh, he carried the dead body on motorcycle and threw it in Moti Talav. According to the learned counsel, the story put forth by the prosecution is unbelievable, that, a person alone can take dead body on his motor cycle, that too, towards the Moti Talav which is approximately 1½ to 2 kilometers from the field of applicant. He further submits that there is no evidence which shows that the offence was committed in the agricultural field of the applicant. So called witnesses those who have disclosed that the deceased was seen in the company of the applicant, those statements are recorded after 6 – 7 days of the incident and no one came forward immediately in order to say that the applicant and the deceased were seen together on the

day of incident, i.e., on 17/02/2025 and, therefore, all these statements are planted and brought up witnesses, therefore, they cannot be believed. He further submits that the cause of death is shown as “Ligature Stragulation” and further there are as many as four injuries in Column No.17. Therefore, he submits that considering the weak material collected by the prosecution, the applicant deserves to be enlarged on bail.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that the applicant is having strong motive to commit the murder of deceased. He submits that applicant is the employer and deceased is the employee and, therefore, the deceased was demanding money from the applicant. As the deceased demanded money in front of several persons, being annoyed by the same, the applicant committed murder of the deceased with the help of rope. He further submits that there is evidence in the nature of extra-judicial confession to two witnesses, wherein they have specifically stated that the applicant has committed murder of the deceased. He further submits that, apart from extra-judicial confession, there are more than 2 – 3 witnesses, who have stated that on 17/02/2025, between 08:00 p.m. to 08:30 p.m., they have seen the deceased in the company of the applicant and,

thereafter, no one has seen the deceased, therefore, this is fatal circumstance against the applicant. Thereafter, on 18/02/2025, the dead body was found on the bank of Moti Talav. The circumstances like extra-judicial confession, last seen together and the recovery of rope from the field of the applicant, goes to show that, it is only the applicant who has committed murder of the deceased. He further submits that, considering all these circumstances, and further coupled with the antecedents, the applicant does not deserve bail and, therefore, the application may be rejected.

6. I have considered the rival submissions. Admittedly, the dead body was found on 18/02/2025. It is further admitted position that the F.I.R. was registered on 20/02/2025, though the name of the applicant appears in the F.I.R., however, it is on the basis of suspicion. It further appears that there are two statements which specifically state that the applicant had disclosed that he has committed the murder on the pretext that the deceased had demanded amount in front of several persons and, therefore, annoyed by that, he has taken the deceased to his field and strangulated his neck with the help of rope and had thrown his dead body in the Moti Talav. It is pertinent to note that both these statements are recorded after 21/02/2025, i.e., on

the day of the arrest of the applicant. Further, there is another statement recorded on 26/02/2025, in respect of extra-judicial confession, even that statement is recorded after 9 days from the date of incident. It is further to be noted that, both these witnesses belonged to Sindkhed Raja, meaning thereby, both are from the same village and no one had prevented them from disclosing this fact either to the Police or to the family members. Now coming to another circumstance of last seen together, it was disclosed by 2 – 3 witnesses, that the deceased was seen in the company of the applicant on 17/02/2025, at about 08:30 p.m. they were seen at tapri as well as at one hotel. Even after going through those statements, it could be gathered that, those statements are also recorded at a belated stage, i.e., either on 23/02/2025 and 25/02/2025. So far as the recovery of rope at the behest of the applicant from his field is concerned, it is natural that, in an agricultural field, the rope can be found and, therefore, this circumstance is not much incriminating against the applicant. Considering all these facts and the fact that the applicant is behind bar since 21/02/2025, and the investigation is over and charge-sheet is filed, I am inclined to grant bail to the present applicant on imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicant/accused (Akshay Shantilal Mehar) be released on regular bail in connection with Crime No.22/2025 for the offence punishable under Sections 103(1) and 238 of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Sindkhed Raja, District Buldhana, on his furnishing a P.R. bond of Rs.25,000/- (Twenty Five Thousand Rupees) with one solvent surety 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) 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]

PIYUSH MAHAJAN