



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

CRIMINAL APPLICATION [B.A.] NO. 1003 OF 2025

Uttam s/o Bimal Mandal

-- 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. A.S. Dhore, Advocate for the Applicant.

Ms. T.H. Udeshi, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 28, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.2/2025 for the offence punishable under Sections 103(1) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Pendhari, Tahsil Dhanora, District Gadchiroli.

3. The informant who is the son of the deceased has alleged that on 26/01/2025 at about 10:00 a.m., his father, Motiram Sonu Pada, aged 50 years, left home on a black Hero Splendor motorcycle bearing registration number CG-19 TS-1845 to go to the weekly market at Godalwahi. He did not return home till night. Enquiries were made with villagers

and relatives, but no information was received. On 27/01/2025, since 6:00 a.m., the informant and family members started searching for him. At about 6:30 p.m., Motiram Sonu Pada was found lying injured in a forest area about 2 km from the village and about 100 meters away from the Padaboriya–Godalwahi road, with bleeding injuries on his head. Based on these allegations, First Information Report came to be registered.

4. The learned counsel appearing for the applicant submits that the present applicant is accused No.6 in the present crime. He further submits that it is alleged that accused Nos.1 to 4 hatched conspiracy to eliminate one Motiram Pada with whom accused Nos.1 to 4 were having previous enmity, as he was resisting cutting of bamboo. He further submits that, it is alleged that, on 19/01/2025, accused Nos. 5 and 6 had been to Godalwahi, wherein it was planned to eliminate Motiram Pada, and accordingly, on 26/01/2025, accused Nos.5 and 6 has eliminated Motiram Pada. He further submits that these are the allegations of contract killing, however, absolutely there is no evidence except CDR reports. He further submits that one witness has seen two persons with accused Nos.1 to 4, where accused Nos.1 to 4 were handing over the amount to accused Nos.5 and 6. However, that

witness has not named the present applicant, as it could be gathered from the statement that both accused Nos.5 and 6 were wearing mask. The learned counsel further submits that there are old business relations between accused Nos.1 to 4 and accused Nos.5 and 6, and therefore, by no stretch of imagination, it could be said that the present applicant had taken the contract to kill Motiram Pada. He has invited my attention to the CDR report which goes to show that since from long time, the present applicant and other co-accused are in touch with each other, and therefore, it is very difficult to gather from the CDR that present applicant has taken the contract to kill Motiram Pada, and therefore, lastly submits that there is no sufficient material to connect the present applicant with the alleged offence of murder.

5. On the other hand, the learned A.P.P, by relying on the CDR report, submits that it is the applicant who was carrying the mobile phone of accused No.1, as his mobile was not working due to the absence of Jio network in that area. She further submits that there is deposit of Rs.1,20,000/- in the account of the present applicant immediately on the next date of incident which is the most important incriminating circumstance which connects the present applicant with the alleged crime of murder.

She further submits that so far as the tower location of the mobile phone of the accused No.1, which was carried by the present applicant is concerned the same was seen in the jungle area of Padaboria, and therefore, she submits that there is sufficient material against the applicant, and the present bail application may be rejected.

6. Upon hearing the learned counsel for the applicant and the learned A.P.P., admittedly, it appears that death of Motiram Pada is a homicidal death which can be gathered from the post-mortem report, wherein the cause of death was shown as *“due to traumatic injury to head heading to intracranial haemorrhage on right side of parieto occipital region of head causing sudden death”*. So far as column No.17 is concerned, there appears to be 4 injuries on the body of the deceased including the lacerated wound over right parieto occipital region of scalp of size 8x6x4 cm deep wound bleeding. The only question is whether the present applicant can be connected with the murder of deceased Motiram. As was submitted by the learned counsel appearing for the applicant that there are old business relations between the accused Nos.1 to 4 and the present applicant, which would be revealed from the CDR report itself. The only material which is collected by the Investigating Officer are the CDR's which goes to

show the tower location of the mobile phone of accused Nos.1 was shown in the Padaboria jungle, however, whether the present applicant was carrying the said mobile or not is not clear from the material placed before me. Further, it is to be noted that as there are business relations between the accused Nos.1 to 4 and present applicant, it is but natural that there is every possibility that the amount was deposited by the applicant from that business transaction, however, there is no evidence to show that there was a conspiracy and the contract of killing was given by the accused Nos.1 to 4 to the present applicant. Considering the above nature of evidence which is placed before me, it appears that applicant was arrested on 28/02/2025, now the investigation is complete and the charge-sheet is filed, and therefore, I am inclined to grant bail and to secure the presence of the present applicant stringent conditions are put in.

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. Hence, the following order:-

ORDER

(i) The Criminal Application is
allowed;

(ii) The applicant/accused (Uttam s/o Bimal Mandal) be released on regular bail in connection with Crime No.2/2025 registered with Pendhari Police Station, Tahsil Dhanora, District Gadchiroli, for the offence punishable under Sections 103(1) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, (BNS), on his furnishing a P.R. bond of Rs.25,000/- (Twenty Five Thousand Rupees) with one solvent surety from Chattisgarh and one local surety from Gadchiroli, each 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;

(vi) The applicant shall attend the local Police Station every week on Sunday between 10 a.m. to 2 p.m.;

(viii) Pending Misc. Applications, if any, also stands disposed of.

[M.M. NERLIKAR, J]