



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA)NO. 1191/2025

(Bapu S/o Vyankati Jimade Vs. 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. M. Deo, Advocate for applicant.
Mr. V. A. Thakare, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 16/01/2026.

Heard.

2. By this application, the applicant is seeking regular bail in connection with Crime No.98/2025 registered with Police Station Sironach, Tah. Sironcha, Dist. Gadchiroli for the offence punishable under Sections 103(1) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case is that informant, Durgayya Mallaya Durgam on 03/06/2025 went to house of Navin Kumari for Haldi Program at around 9.00 PM and thereafter went to another Haldi Program, where he was engaged to play clarinet. Wife and son of informant, however, stayed back at house of Navin Kumari. It is alleged that at around 11.30 PM, the informant returned to his house alone, where he found his son Rajkumar Durgam lying unconscious near inside door of the house. He found

that he was unresponsive. When informant raised cries, his brothers and their wives came there and they shifted victim and placed him on a bed and tried to revive him but he did not respond. On close examination, they found a black mark on his neck, which suggested his death due to strangulation. Based on said information, informant father of the deceased registered FIR against unknown persons.

4. The learned counsel appearing for the applicant submits that initially, the First Information was registered by the father of the deceased on 04.06.2025 against unknown person. However, he was implicated on the basis of statement of one Tulshiram, wherein Tulshiram stated that as there was illicit relation between the wife of the applicant and the deceased, he is having suspicion that the present applicant has killed the deceased. Pursuant to that again statements of two witnesses namely Venkati and Ramesh was recorded on 07.06.2025, wherein they have been shown as eye-witnesses. They have stated that at about 09.30 p.m., there was a quarrel between the applicant and the deceased and the applicant killed the deceased with the help of rope by strangulation. The learned counsel further invited my attention to the another

witness namely Sujata Dagam, wherein she has stated that on the date of the incident i.e. 03.06.2025, the deceased had called her at about 11.02 p.m. He further invited attention of this Court towards Call Details Record of the deceased, wherein at Sr.No.111, there was a call placed having a duration of 62 seconds at 23:02:16 hours. Therefore, he submits that two eye-witnesses are brought up witnesses and cannot be believed at this stage.

5. The incident is dated 03.06.2025 and the FIR was registered on 04.06.2025. There is almost after 12 hours of delay. Further, he submits that statement of Tulshiram was recorded on 06.06.2025, whereas the statement alleged eye-witnesses are recorded on 07.06.2025. However, the statement of Sujata was recorded on 09.08.2025, therefore, he submits that there is no material which inspires confidence to connect the present applicant with the offence.

6. On the other hand, the learned APP submits that there are two eye-witnesses to the incident. Apart from these two eye-witnesses, even the wife of the present applicant has stated that on the day of incident, the

applicant came to their house after attending the marriage ceremony and at that time, he found that the deceased was with the witness Jaysudha and annoyed by the said fact, a scuffle took place between the applicant and deceased, and thereafter the applicant with the help of rope, strangled and killed the deceased. He further invited my attention to the postmortem report which shows that the cause of death is asphyxia due to strangulation. Accordingly, the learned APP, stated that the cause of death is in consistent with the statement of Jaysudha and other eye-witnesses and therefore, prayed to reject the bail.

7. Upon hearing the learned counsel for the applicant and the learned APP, admittedly, the date of incident is 03.06.2025, wherein father of deceased has noted that his son was lying unconscious inside the house. Accordingly, other relatives came there, however the deceased was declared dead. It is only on the statement of the Tulshiram which was recorded on 06.06.2025, the present applicant was implicated in crime, wherein Tulshiram has stated that there were illicit relation between the wife of the deceased and the applicant, and therefore due to this reason applicant has strangled the deceased with a rope. Latter

on, on 07.06.2025, two statements are recorded of the eye-witnesses showing that the incident had occurred at 09.30 p.m. and they have witnessed the act of strangulation by the present applicant. However, the fact remains that another statement was recorded by the Investigating Agency which is of Sujata Dagam which shows that till 11.02 p.m. on the day of incident the deceased was in contact with her and which is supported by the Call Details Report. From all these facts and circumstances, it could be gathered that merely on the basis of suspicion, the present applicant was implicated.

8. Apparently when the FIR was registered, no one has come forward to state about the incident. It is only after two or three days, one by one, the statements were recorded. However, the statements of alleged eye-witnesses who says applicant killed deceased at 09.30 p.m., falsify the case of the prosecution in view of statement of another witness Sujata who stated that the the deceased was in contact with her around 11.02 p.m. Further, it is to be noted that the statement of wife - Jaysudhya was recorded on 08.08.2025 i.e. almost after two months of the registration of the FIR.

9. Considering the above facts and circumstances, further investigation is over and charge-sheet is filed, I am inclined to grant bail.

10. It is made clear that the observation of this Court are prima facie in nature and are only limited to this application. The Trial Court shall not be influenced by the aforesaid observation, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Bapu S/o Vyankati Jimade be released on regular bail in connection Crime No.98/2025 registered with Police Station Sironach, Tah. Sironcha, Dist. Gadchiroli for the offence punishable under Sections 103(1) of the Bharatiya Nyaya Sanhita, 2023 on his furnishing P.R. Bond of Rs. 25,000/- with one 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 concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant/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 entails the State to ask for cancellation of bail.

(M. M. NERLIKAR, J.)

Gohane