

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

CRIMINAL APPLICATION NO.1284 OF 2025

Sandeep @ Baburao s/o Subhash Shewale

..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

 Shri V.R. Nayak, Advocate for the applicant.
 Ms S.Z. Haider, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 29.01.2026.

Heard the learned Counsel appearing for the applicant and the learned APP appearing for the State.

2. By way of this application, the applicant is seeking bail in connection with Crime No.204 of 2024 registered under Section 302, 364, 365, 120B read with Section 34 of the Indian Penal Code.

3. The crime has been registered on the basis of report lodged by the wife of the deceased Jyoti Ingle alleging that her husband on 22.06.2024, at around 3.00 pm, left the house informing her that he is travelling to Ahmednagar for the work related to money rain. He was accompanied by the present applicant and one Yogesh Tonde, however he did not return till 27.06.2024, therefore, she lodged missing report on 27.06.2024. When the husband did not return she enquired with the present applicant about her husband's whereabouts. They all went in Swift Dzire car bearing No.MH-03-BH-824 towards Shirdi. When they stopped at Shirdi phata for snakes, they saw a white care approaching

there around 7.00 pm and they all went in that car to finish their work of money rain. On the way they stopped car near SJS hospital to answer nature's call. Where another four wheeler approached them and 4 to 5 persons got down from the vehicle and assaulted her husband. They forcibly took him in their vehicle and abducted him. After which the applicant called Amol Ingle an informed about the incident on which he was arrived to return back and those people have only broken victim's legs and therefore, based on this allegation, report was lodged by the wife of the deceased. During investigation the dead body of the deceased was found at Rashin-Karjat

4. Learned Counsel appearing for the applicant submits that there is no material to connect the present applicant with the said incident. Initially, the missing report was registered on 27.06.2024 by the wife of the deceased. Later on, First Information Report was registered on 05.07.2024 under Sections 364 read with Section 34 of the IPC. However in the charge-sheet Sections 302, 365 and 120B of the IPC were added. The learned Counsel further submits that in all three statements of the wife, there are vital variances. Initially when the missing report was registered, she has only stated that the deceased went along with the present applicant and one Yogesh Tonde. Further the wife of the deceased stated that from 01.06.2024 till the registration of the missing report the deceased Dilip Ingle did not return to the house, therefore, she went to present applicant and Yogesh Tonde on 26.06.2024 in order to inquire with them. However, they had intimated that

they were not aware about whereabouts of the deceased. Thereafter, on 05.07.2025 First Information Report was given by the informant wherein entirely different story was narrated that under the pretext of money rain, both these persons, the present applicant and Yogesh Tonde have taken the deceased to Kopergaon in the Ahmednagar District. This new theory has been developed by the applicant while lodging the offence under Section 364. Later on again on 10.07.2024 another supplementary statement was recorded wherein again she has improved the story. Therefore, he submits that absolutely there is no link between the present applicant with the crime committed. There is nothing to demonstrate that the applicant has committed the murder of the deceased and therefore, as the applicant is behind the bar, since 10.07.2024 and now, the investigation is complete and charge-sheet has been filed, he may be enlarged on bail.

5. Per contra, learned APP vehemently opposes the application on the ground that the applicant and others have hatched the conspiracy to kill the deceased. The deceased was taken by the present applicant and one Yogesh Tonde on 22.06.2024 under the pretext of performing money rain in Kopergaon Taluka. The dead body of the deceased was found on 24.06.2024 at Visewadi village in Karjat Taluka. Accordingly, accidental death was registered on the same day by the Karjat Police Station. During the investigation, one accused namely Baburao Maroti Nale was arrested in connection with the present crime and his statement disclosed that death body of the deceased was thrown at visewadi,

thereafter the deceased was identified by the brother of the deceased on the basis of his clothes and one thread in his wrists. Accordingly, Section 302 was added and investigation was carried out.

6. Learned APP further submits that since from the inception, the deceased was in the company of the present applicant as they were last seen together. At Shirdi Phata another vehicle came and they have dumped the body of the deceased in that vehicle. She submits that there is motive to commit the offence as there was a dispute between Amol and the deceased on account of money transactions. All these three persons Amol, present applicant and Yogesh are belonging to Janifal village and therefore they have hatched the conspiracy. Accordingly, they have eliminated the deceased. There are near-about 10 calls between the applicant and Amol on 22.06.2024. She also pointed out the statement of one of the witness, who was the Dhaba owner from where the CCTV footage was collected. In the CCTV footage, swift Dzire bearing registration no.MH-03-BH-1824 was seen. They have also recorded the statement of owner of the Swift Dzire, who has specifically stated that the said Swift Dzire was taken on rent by the present applicant, and therefore, she submits that considering the nature of evidence, which is circumstantial in nature, all the circumstances are linked to the present applicant i.e. the deceased was last seen in the company of the present applicant, the car was rented by one Sandeep to the present applicant and further there are call records indicating calls between Amol Rajput, who is the main culprit and the present

applicant. Lastly she also submits that this Court has already rejected bail application of one Yogesh Ramesh Tonde, who is also standing on the same footing as the present applicant. She has placed on record the copy of the order dated 16.04.2025 passed in Criminal Application No.191/2025 and prayed to reject the application.

7. Upon hearing both the sides, admittedly, the case is based on the circumstantial evidence. There is evidence in the nature of last seen together. The deceased was seen in the company of the present applicant and there are several statements to that effect. In the statement of the wife since inception, she has narrated that the present applicant along with Yogesh Tonde has taken the deceased. In the missing report as well as the report registered under Section 364 and in the supplementary statement her version is consistent. Further, the statement of Sandeep, who is the owner of the Swift Dzire Car, it is stated that the present applicant has taken the said car on rent even the said car was seen at one Dhaba and the statement of the owner of the Dhaba shows that Swift Dzire car bearing No.MH-03-BH-1824 came to his Dhaba where they have purchased water bottle. Further there is also evidence in the nature of call detail records of the present applicant, wherein it could be gathered that there are near-about 10 calls between the present applicant and Amol Rajput on the day of incident. The most important incriminating circumstance is that the applicant has taken the deceased on 22.06.2024. However, though he has returned back on 26.06.2024 to his house, he has not disclosed any

thing about this. Therefore, this unnatural conduct is the most important circumstance in the chain of circumstances. Even the mobile of present applicant was switched off from 22.06.2024, which is also an unnatural conduct and it is an additional circumstance in the chain of circumstances.

8. Considering all these factors, it could be gathered that the present applicant is involved in the offence and against him there is ample material. Even this Court has rejected the bail application of Yogesh Tonde, who is similarly situated. Therefore considering the gravity and the manner in which the offence is committed, I am not inclined to grant bail. Hence the following order :

(a) The application is rejected.

(M.M. NERLIKAR, J.)

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