



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

CRIMINAL APPLICATION [B.A.] NO. 1347 OF 2025

Rajesh Sonba Godmale

-- VERSUS --

The 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. V.D. Darne, Advocate for the Applicant.

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

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 03, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.0275/2025 for the offence punishable under Sections 103(1), 238, 3(5) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Digras, District Yavatmal.

3. On 08/04/2025, during investigation of Marg No. 18/2025 under Section 194 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (BNSS), an unidentified male dead body aged about 30-35 years was found in Forest Department Compartment No. 802, Isapur jungle area near Digras to Fetri road. Inquest was conducted in the presence of panch witnesses which revealed that the upper body above

the waist was reduced to skeletal remains due to decomposition or animal activity, while the lower body was decomposed with maggots. Blood-like reddish stains were present around the body. Further, one more dead body was recovered of a female aged about 30 to 35 years which was located at a distance of almost 60 to 70 meters from the earlier dead body. Even the said body was at the stage of decomposition, and therefore, Marg No.17/2025 was registered. Marks present indicated that the bodies were dragged from the road to the place of recovery. Based on this information F.I.R was registered.

4. The learned counsel for the applicant submit that, initially, two separate Accidental Death Report were registered on 08/04/2025, i.e., A.D. No.17/2025 and A.D. No.18/2025, as two dead bodies, one male and one female was found in the Isapur forest. He further submits that, so far as the present applicant is concerned, in the entire charge-sheet, except for the recovery of iron rod from the applicant under Section 23 of Bharatiya Sakshya Adhiniyan, 2023 (BSA), there is no other incriminating circumstance. He further submits that, the applicant is falsely implicated in the crime. So far as the phone call between the accused No.1 and the present applicant is concerned, that took place on 03/04/2025. However, dead bodies were found on

08/04/2025. According to him, there is no proximity between the last phone call and the death of deceased. He further submits that, from the post-mortem report, as the bodies are decomposed, it is not clear whether the death of both the deceased are homicidal, accidental or suicidal, and therefore, he submits that considering this fact, it is very difficult to say that Section 103(1) of BNS could be attracted. He further submits that though there is evidence in the nature of C.C.T.V. footage, wherein the accused No.1 - Vijay was seen along with present applicant in two separate shops purchasing new clothes and shoes, that by itself, is not sufficient to connect the present applicant with the crime. Accordingly, he submits that the applicant is behind bar since 11/04/2025 and now the investigation is complete and the charge-sheet is filed, and therefore, he prayed to release him on bail.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that it is the applicant and the accused No.1-Vijay who has committed the murder of two deceased. She submits that the deceased-Akash and deceased-Varsha, were having illicit relations with each other and accused No.1 - Vijay is the brother-in-law of deceased Akash, whereas the present applicant is the friend of the main accused - Vijay. She further submits that the

bodies were dragged from Digras to Fetri Road, and were thrown in the Isapur forest. There was distance of 60-70 meters between both bodies. She further submits that there was call between Vijay and the deceased–Akash on 03/04/2025 at about 2:00 p.m. Thereafter, there was call on the same day at about 7:00 p.m. between the present applicant and Vijay. Vijay informed the present applicant that he should come to fetri road. Accordingly, they came to fetri road and on the next day, i.e., on 04/04/2025, they hatched the conspiracy, and accordingly, executed their plan by killing both Akash and Varsha. Therefore, she submits that considering the motive which Vijay had to kill deceased, the present applicant is also participated in the crime along with Vijay - accused No.1. She further submits that there is another incriminating circumstance which is required to be taken into consideration is the recovery of iron rod having blood stains at the behest of present applicant. She further submits that the seat cover of Bolero car was stained with blood which was seized from Vijay – accused No.1. According to her, there is sufficient material against the present applicant, and therefore, bail should not be granted.

6. I have heard the learned counsel for the applicant as well as the learned APP. Admittedly, there is no date and time as to when death had

occurred. Also, both the bodies are in a decomposed condition and there is no definite opinion about the cause of death. It further appears that only on the basis of one phone call between the accused No.1 and the present applicant and recovery of iron rod at the behest of present applicant, that by itself, is not sufficient to keep the applicant behind bar. Further, merely because they have purchased new clothes, that by itself, is not sufficient to connect the present applicant with the crime. Apart from this, there is no other supportive evidence against the present applicant. As the applicant is behind bar since 11/04/2025 and as the investigation is complete and charge-sheet is filed, I am inclined to grant the bail.

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 (Rajesh Sonba Godmale) be released on regular bail in connection with Crime No.275/2025 registered with Police Station Digras, District Yavatmal, for the offence punishable under Sections 103(1),

238, 3(5) 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 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) Pending Misc. Application(s), if any, also stand disposed of.

[M.M. NERLIKAR, J]