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

CRIMINAL APPLICATION [B.A.] NO. 1359 OF 2025

Akash S/o Gopichand Sahare

-- 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. S.S.Dewani, Advocate for the Applicant.

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

Mr. Anil Mardikar, (Senior Advocate) a/w. Mr. Amol Hunge, Advocate for Assist to Prosecution.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 27, 2026.

Heard the learned Counsel, Mr. Dewani, learned A.P.P. and learned Senior Counsel, Mr. Mardikar, who is assisting the prosecution.

2. The present application is filed seeking regular bail in Crime No.287/2025 for the offence punishable under Sections 103(1), 189(4), (8), (9), 191(2), 191(3), 190, 61(2), 45, 55, 95 and 238 of the Bharatiya Nyaya Sanhita, 2023, (BNS), Sections 4/25 and 5/27 of the Indian Arms Act, Section 135 of the Maharashtra Police Act, 1951, and Sections 75, 83(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015, registered with Police Station Kapil Nagar, District Nagpur.

3. The informant - Prathamesh is the son of deceased - Ankush Kadu, who lodged First Information Report on 19/04/2025, that his father Ankush Kadu was having business of real estate under the name and style of R.K. Builders and Developers. On 19/04/2025, at about 6.00 PM, the informant received a call that his father got into an accident near MHADA chowk. The informant reached on the spot and saw his father in injured condition and having knife in his stomach. Informant took his father at MAX Hospital where his father was declared dead. Accordingly, he lodged a report against unknown persons. During the investigation, it transpired that accused No.8 - Sangita Sahare, the mother of the accused No.4 - Akash Sahare and deceased were having some dispute regarding property for which civil suit is pending. The deceased had agreed to purchase 11 acres of agricultural land from Thombre family in the year 2003. Thereafter, in the year 2006, the suit was filed by the deceased for declaration and permanent injunction. It is further case of the prosecution that though there was an order to not create third party interest, however, said Thombre executed the sale deed in favour of accused No.8 through Power of attorney holder, i.e., Ashok Mishra (accused No.3). Accused No.1 - Rahul Wagh, the main assailant, was in contact with the said Sangita and, therefore, said Sangita (accused No.8)

made conspiracy along with her business partner, i.e., present applicant/accused for killing of the deceased and gave a contract to kill the deceased to accused No.1. For execution of this work, accused No.1 proposed a charge of Rs.40-50 lakhs. After negotiations, the amount was settled as Rs.15,00,000/- and one four wheeler.

4. The learned counsel submits that there is no evidence to connect the present applicant with the alleged murder and he has been falsely implicated in the present crime due to the fact that he is the son of accused No.8. So far as the evidence is concerned, there are only two circumstances against the present applicant in the nature of call detail records and purchase of four wheeler which was used in commission of crime by accused No.1. He submits that the present applicant has been implicated on the basis of the statement of accused No.1. My attention was invited to the statement of accused No.1 who has stated therein that he had gone to the house of accused No.8 so as to discuss the conspiracy to murder the deceased where he had met accused No.3 and the present applicant. He submits that it is a well settled position of law that confessional statements made by accused persons incriminating other accused persons are inadmissible and cannot be considered while deciding bail applications. He further submits

that there are only few calls between accused Nos.1 and 5 with the present applicant that also prior to the incident. Those calls are routine calls as the accused No.1 was executing civil work of their property and accused No.5 is an employee of the present applicant. So far as the allegation of purchase of four wheeler is concerned, the learned counsel argued that in the entire charge-sheet there is no material to connect the applicant with the purchase of the said four wheeler. The said vehicle was not purchased in the name of applicant, but the said purchase was facilitated by accused No.5 who is an employee of the present applicant. Apart from this, there is nothing to show on record that the applicant was involved in the conspiracy. He submits that the applicant is the son of accused No.8 - Sangita Sahare in whose name the property has been sold. The original property belonged to one Thombre family. The deceased had purchased the said property from Thombre family by registered agreement to sale, however, there was no further sale deed, therefore, in the year 2006, a suit was filed for specific performance of contract. The property was sold and alienated in favor of accused No.8, through power of attorney holder i.e. accused No.3. He submits that the present applicant is not a party to the litigation. Therefore, considering the material which was placed on record, according to him, is not sufficient to connect the present applicant,

so far as the murder of the deceased - Ankush Kadu is concerned.

5. On the other hand, the Learned A.P.P. and the learned senior counsel, Mr Mardikar, vehemently opposes the application and submit that, in defiance of Civil Court's order, the accused No.3 has executed sale-deed in favor of accused No.8 who is the mother of the present applicant. Since the year 2006, dispute was going on. As the injunction order was in existence, only way remaining with the present applicant and accused No.8 was to eliminate deceased – Ankush, and in furtherance of common intention, contract to kill was given to one Rahul – accused No.1 to eliminate deceased - Ankush. They further submit that there is strong motive with the present applicant, for the reason that, the property was sold in favor of accused No.8 who is the mother of the present applicant, however, as the dispute was going on in the Court, they were unable to sell the said property to third party, and, so also, unable to construct on the said property and, therefore, according to them, there is strong motive to commit the murder of the deceased. They further submit that, there cannot be evidence in respect of conspiracy, as it is always hatched in secrecy. There are calls between the contract killer – Rahul (accused no. 1), who has been given contract to kill the deceased –

Ankush, and between one Ashwin @ Motu Khudge (accused No.5), who is working with the present applicant. Two days prior to the incident, there are several calls between the applicant and contract killer – Rahul Wagh, so also, there are several calls between applicant and Ashwin (accused No.5). Therefore, they submit that there is clear cut link between the main assailant, who is contract killer, and Sangita - accused No.8, so also, between Ashwin @ Motu Khudge, who is accused No.5 and the present applicant and, therefore, considering these call details, according to them, is sufficient to say that they hatched conspiracy to eliminate deceased – Ankush.

6. They further submit that the role of Ashwin, who is accused No.5, is very much important as well as he was in contact with the main contract killer – Rahul. They further submit that, Rahul had hired 4 juveniles and two majors to execute the plan and, accordingly, it is a planned murder. So far as Ashwin is concerned, he was also present on the spot, but at somewhat distance and was keeping watch on the entire activities. Further, the most incriminating circumstance is facilitating purchase of four wheeler by the present applicant which was used in the commission of crime. The statement of Rupesh Gajbhiye, employee of the present applicant shows

that he was dealing in second hand vehicles and accused No.5 had contacted him on 17/04/2025 to purchase a second hand car. Pursuant to same, the witness – Rupesh Gajbhiye contacted the owner of Shriram Car intending to purchase Maruti Suzuki SX4 bearing No. MH-42/AJ-2723. Accordingly, the car was brought to the petrol pump owned by accused No.8 where the present applicant was present. The witness - Rupesh Gajbhiye quoted the price for the car as Rs.2,30,000/-, however, the present applicant asked to reduce the price. The final price was fixed at Rs.2,05,000/- which was paid by accused No.5. Thereafter, the said car was transferred in the name of accused No.2 which was later used in the commission of crime. Therefore, they submitted that the present applicant was instrumental in the conspiracy to murder the deceased and they prayed to reject the application.

7. I have considered the rival submissions, admittedly, the incident took place on 19/04/2025 at about 17:42 p.m. There are total 12 accused persons. Out of 12 accused persons, 4 are juvenile. It is not in dispute that original land owner is one Thombre. Initially, said Thombre executed a registered agreement to sale in favor of deceased - Ankush. However, Thombre family has not executed sale deed. Therefore, deceased - Ankush had filed a civil

suit for specific performance of contract in the year 2006. Thereafter, Thombre family has executed power of attorney in favor of accused No.3 in respect of the same property. It further appears that through power of attorney accused No.3 has entered into sale-deed with accused No.8. Even the said sale-deed which is executed in favor of accused No.8 by accused No.3, being the power of attorney holder of Thombre family, is also under challenge before the Civil Court. It is also not in dispute that injunction order was clamped against the respondents therein, restraining them from creating any third party interest and not to construct anything on the disputed land. It further appears that the orders though are prohibitory orders, still accused No.3 has sold the said land to accused No.8 in the year 2008, and since then the dispute is going on. It is to be noted that property is at prime location.

8. It could be gathered from the record that there is a strong motive with the present applicant to commit murder as the property was sold to accused No.8 who is the mother of the present applicant. In order to ascertain further involvement of applicant it would be useful to consider the statement of Kamlesh, wherein he has specifically stated that he met with the present applicant, along with accused No.3 and accused No.8 on two

occasions. The present applicant was introduced as her son who is going to look after the business of accused No.8 and accused No.3 was introduced as her business partner. On both occasions they spoke about the disputed property. On the last occasion when they met present applicant was also present and it was disclosed by accused No.8 that she does not intend to give anything out of the said property to the deceased and she was ready to do anything in that regard. The same was agreed even by the present applicant and accused No.3. Therefore, anyhow they wanted to make the disputed property their own and, therefore, it appears that they have hatched the conspiracy in order to eliminate deceased – Ankush.

9. The case of the prosecution further strengthens from another fact that the role of Ashwin, who is an employee working with Sangita (A-8) and present applicant, has surfaced in the entire episode, as he was involved by them in order to execute the entire plan. It appears from the CDR reports that there are number of calls between Ashwin, Sangita (A-8), main contract killer – Rahul (A-1), so also present applicant. It is further to be noted that after the elimination of deceased – Ankush, there are 19 calls on 19/01/2025 between accused No.1 – Rahul and Ashwin and most importantly calls at about

17:15, 17:18 and 17:44, are main calls between Ashwin and Sangita. It is to be noted that even (A-1) Rahul and applicant were in touch with each other as could be gathered from CDR dated 17/04/2025. As per said CDR on three occasions on 17/04/2025, i.e., two days before the incident, there were phone calls between accused No.1 and applicant showing proximity between calls and date of incident. Further there are Whatsapp calls between accused persons. The applicant has also played an important role in the purchase of Maruti Suzuki SX4 car bearing No. MH-42/AJ-2723 which was used in the commission of crime and was recovered at the behest of accused No.1 which is demonstrated from the statements of Rupesh Gajbhiye and Harshal Daswani who was the seller. They have stated that the said vehicle was purchased in the presence of the present applicant and he has played an active role in bargaining its price. Therefore, *prima facie,* it appears that, the applicant is involved in the conspiracy to murder the deceased. I have also gone through the post-mortem report, wherein there are 50 injuries on the person of deceased – Ankush. Therefore, the role of the applicant cannot be separated as there is an active link among all accused persons. Therefore, considering the overall facts and circumstances of the case, not only strong motive, but also there is link between all the accused persons including the present

applicant. In this view of the matter, considering the *prima facie* material against the applicant, I am not inclined to grant bail to the applicant. The Criminal Application is, therefore, **rejected.**

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN