

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

CRIMINAL APPLICATION (BA) NO.1433/2025

(Akshay Dhyaneshwar Kukade & anr. 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. Ranjeet Singh, Advocate for applicants.
Mr. V. A. Thakare, APP for non-applicant No.1/State.

CORAM: M. M. NERLIKAR, J.

DATED : 30/01/2026.

Heard.

2. By the present application, the applicant is seeking bail in connection with Crime No.236/2025 registered with the Police Station Deoulgaon Raja, Dist. Buldhana for the offence punishable under Sections 103(1), 238, 3(5) of the Bhartiya Nyaya Sanhita 2023.

3. That on 01.06.2025, the informant – Gajanan Digambar Dukare lodged a missing report of his brother Sagar Dukare (deceased) with P.S., Deulgaon Raja. Informing that on 30.05.2025 deceased, along-with one Mahendra Sarode, went to village Deulgaon Raja to buy meat and he did not return back. On inquiry, the said Mahendra apprised the informant that deceased accompanied accused No. 1 - Akshay Kukade and some other persons from Deulgaon Raja. Subsequently, his body

was found on 01.06.2025, near Dhaba at Jalna Road. He was taken to the Rural Hospital, Deulgaon Raja, where he was declared dead. Accordingly, the concerned police station registered crime against the said applicants.

4. The learned counsel for the applicants submits that admittedly deceased Sagar was in the company of the present applicant along with others. However, there is no evidence to show as to who has inflicted blows on the deceased. He submits that the statement of one Bhavesh shows that it was disclosed by Akshay Kukade that he has just now killed one person. He submits that it is in the nature of extra judicial confessional statement which is a weak type of evidence. He further submits that apart from last seen, there is no connecting circumstances in order to pinpoint that the present applicants have assaulted the deceased. He further submits that there are total five accused persons out of which three accused persons are released on bail. Two accused persons are granted bail by the Trial Court and one is granted bail by this Court. Accordingly, he submits that as the role of both the applicants is not clear and which is similar to the other accused persons, they may be released on the bail.

5. On the other hand the learned APP vehemently opposes the application on the ground that admittedly the present applicants were in the company of the deceased. There are several statements which demonstrate how the incident has occurred. Not only that all were in drunken condition and the five accused persons have eliminated Sagar Dukre. He further submits that there is recovery at the behest of applicant No.1 i.e. iron rod and one fiber stick was recovered having blood stains on it. He submits that considering the fact that the evidence is in the nature of circumstantial evidence, the circumstances pinpoint the role of the present applicants as they were last seen together and there was recovery of weapon having blood stain which is sufficient to implicate the applicant and therefore submits to reject the application.

6. I have considered the rival submissions upon perusal of the material placed before me along with the charge sheet admittedly it appears that deceased was in the company of all the five accused persons. No doubt there is recovery at the behest of the applicant No.1 however it is not clear from the entire evidence as to who has inflicted blows on the deceased. So far as the statement

of one of the witness is concerned shows that it is in the nature of confession. At present, This Court cannot go into the said fact. However, the fact remains that the Trial Court has granted bail to two accused persons even this court has granted bail to one accused person and therefore considering the entire material, I am inclined to grant bail. Hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Akshay Dhyaneshwar Kukade and Shivshankar/Bhola Laxman Kayande be released on bail in connection with Crime No.236/2025 registered with the Police Station Deoulgaon Raja, Dist. Buldhana for the offence punishable under Sections 103(1), 238, 3(5) of the Bhartiya Nyaya Sanhita 2023 on their furnishing P.R. Bond of Rs. 25,000/- each 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