



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

CRIMINAL APPLICATION [B.A.] NO. 1445 OF 2025

Ashok @ Lala S/o Dinesh Mishra

-- 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. Avinash Gupta, (Senior Advocate) a/w. Mr. Kaushal Trivedi, 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 Senior Counsel, Mr Gupta, 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, i.e., present applicant 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 alongwith 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 senior counsel submits that there is no evidence to connect the present applicant with the alleged murder. He submits that so far as the evidence is concerned, there are total four calls between accused No.8 and the present applicant on the day of incident. He further submits that those calls are routine calls. The prosecution has gathered the C.D.R. from 3rd March, 2025, till the date of incident, i.e., 19th April, 2025, and in all 150 calls are there between the present applicant and accused No.8, therefore, he submits that 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 power of attorney holder, who has sold the land to accused No.- 8 - Sangita Sahare. He further submits that 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 is no further sale deed, therefore, in the year 2006, a suit was filed for

specific performance of contract, however, a power of attorney was executed in favor of the applicant on same property by Thombre family. The property was sold and alienated in favor of accused No.8, through power of attorney. He further submits that, there is no partnership between the applicant and the accused No.8 and, therefore, he submits that 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 applicant has executed sale-deed in favor of accused No.8. He further submits that, since the year 2006, a dispute was going on. There are several non-cognizable cases registered against the present applicant, wherein threats were given to kill the deceased-Ankush by the applicant. They further submit that accused No.3 and accused No.8 are working as partners. As the injunction order was in existence, only way remaining with the present applicant 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, so also, accused No.8 – Sangita, for the reason that, the applicant had sold the property in favor of accused No.8, however, as the dispute is 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, who has been given contract to kill the deceased – Ankush, and between one Ashwin @ Motu Khudge, who is working with accused No.4, and Ashwin was in constant touch with Sangita, who is accused No.8. On the day of incident, there are several calls between accused No.8 and contract killer – Rahul Wagh, so also, there are several calls between Rahul and Ashwin before and after committing the murder. So far as the calls between Sangita, who is accused No.8, and between the applicant is concerned, there are 4 calls on that day. The call which was made on 19/04/2025 is at 17:46:49, and thereafter, again on the same day, at about 18:36:17. Thereafter, again from the mobile of the present applicant, on the same day, there is call at 10:45:41 and, 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 and, therefore, they submit that there are several offences registered against the present applicant and accused No.8 – Sangita in respect of the land grabbing. They further submit that, there are several antecedents against the applicant including the offence of murder, in the year 2006 and 2010, however, the learned A.P.P submits that in one of the offence of murder, the applicant was acquitted, and, according to them, the fact remains, that the applicant and accused No.8 are involved in land grabbing activities, therefore, 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, they have 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 the present applicant in respect of the same property. It further appears that through power of attorney the present applicant has entered into sale-deed with accused No.8. Even the said sale-deed which is executed in favor of accused No.8 by the applicant, 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 the applicant has sold the said land to accused No.8 in the year 2008, and since then the dispute is going on. There are several non-cognizable reports against the present applicant filed

by the deceased – Ankush, alleging that the present applicant is giving threats to Ankush.

8. It could be gathered from the statements of the family members, so also, the record which is placed before me that since 2009, till 2024, threats were given by the applicant to the deceased, and there are several NC reports which are registered. It further appears that the record shows that there is strong motive with the present applicant to commit murder. No doubt, the present applicant is a man behind the curtain, however, the circumstances shows that since inception, he has a keen interest in the property, which at the initial point of time was in favor of deceased – Ankush through agreement to sale. He was instrumental since 2007 as soon as Thombre family executed power of attorney in favor of the applicant and, later on, he has sold the said property to accused No.8 in the year 2008 in defiance of the orders of the Court. It appears from the record that accused No.3 and accused No.8 are acting as partners, though there is no record of actual partnership, but the record shows that they both are dealing in the properties which could be gathered from the statement of Kamlesh as well as from the First Information Report No.569/2025 dated 05/08/2025, wherein they both have been shown as partners. Therefore, one thing is clear that accused

No.8 and the present applicant is having strong motive, however, it is a settled principle of law that mere strong motive cannot take place of proof and, therefore, in order to ascertain further it would be useful to consider the statement of Kamlesh, wherein he has specifically stated that present applicant and accused No.8 were ready to do anything so as to avoid giving anything out of the disputed property to the deceased. 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 Akash (A-4), has surfaced in the entire episode, as he was involved by Sangita and Akash in order to execute the entire plan. It appears from the CDR reports that there are number of calls between Ashwin, Sangita, main contract killer – Rahul, so also present applicant. This cannot be said to be coincidence that at the time of murder and after murder, there are calls between accused No.1, Ashwin, Sangita, Akash and the applicant. It is further to be noted that after the elimination of deceased – Ankush, there are 19 calls on 19/04/2025 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. Thereafter, Sangita has called the present applicant on that day for about four times and the main calls are 17:46 and 18:36. Therefore, *prima facie*, it appears that, the present applicant is also involved. If we consider the entire circumstances, right from the beginning, i.e., right from the year 2007, i.e., from the date on which Thombre family has executed power of attorney in favor of the present applicant, the entire episode starts and ultimately it has culminated into murder of the deceased – Ankush. I have also gone through the post-mortem report, wherein there are 50 injuries on the person of deceased – Ankush. 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. It is further to be noted there are several NC offences have been registered by Ankush against the present applicant, even this fact cannot be ignored. Further, the present applicant is also dealing in the disputed landed properties and there are several crimes registered against the present applicant. There are criminal antecedents against the applicant including the offence of murder. 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