



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

CRIMINAL BAIL APPLICATION NO. 1454 OF 2025

Shamli Amit Gajbhiye

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. Akshay Naik, Senior Counsel a/b P. R. Agrawal, Advocate for the
Applicant.

Mr. V. A. Thakre, APP for the State.

CORAM : M. M. NERLIKAR, J.

DATE : 6th FEBRUARY, 2026.

1. Heard the learned counsel for the applicant and learned
APP for the State.

2. The present application is filed seeking regular bail in
Crime No.622 of 2025 for the offence punishable under
Sections 103(1), 49, 61(2) of the Bharatiya Nyaya Sanhita,
2023 registered with Frezarpura Police Station, District
Amravati.

3. The said crime was registered on the report given by the
informant – Usha Rajesh Raut. As per the report, the deceased
Asha is the sister of the informant, married to Rahul Tayade. It
is alleged that Asha and Rahul had frequent marital disputes.
On 01.08.2025 at about 6:00 p.m., after returning from work,

the informant received a call from the deceased's son stating that Rahul Tayade had taken Asha to the hospital. The informant immediately went to the house of the deceased and thereafter to the hospital, where she was informed that her sister had died. In view of the continuous quarrels between the deceased and her husband, it is alleged that strong Rahul Tayade had caused the death of her sister during a dispute. On the basis of this information, the offence was registered and investigation commenced.

4. Learned counsel appearing for the applicant submits that the first information report was registered by the sister of the deceased. He submits that the main accused is the husband of the deceased. He further submits that from the record it appears that the present applicant and the main accused Rahul Tayade is having love affair and out of that, he has killed deceased. He further submits that upon perusal of the FIR, the name of the present applicant does not appear. He further submits that except the call detail record, there is nothing to connect the present applicant with the alleged crime. He further submits that even if, it is presumed that there was love affair between Rahul Tayade and the present applicant, it is natural that there would be call between them. However, that

by itself is not sufficient to connect the present applicant with the alleged crime of murder and therefore, he submits that under such circumstances, the present applicant deserves to be granted bail.

5. On the other hand, the learned APP vehemently submits that during investigation it was transpired that the present applicant and the main accused Rahul Tayade is having love affair with each other. He further submits that Rahul Tayade has disclosed that she has encouraged/instigated him to commit the murder of the deceased. He further submits that call details record shows that 19 calls are recorded between the two before and after committing the murder and therefore, this is most important circumstance against the present applicant. He further submits that considering the fact that the cause of death is “head injury with throttling with strangulation” would demonstrate that the present applicant has instigated the main accused Rahul Tayade and accordingly, Rahul Tayade has committed the murder of the deceased. And therefore, he submits that there is sufficient material against the applicant.

6. I have heard both the counsels.

7. On perusal of the first information report admittedly, there is no name of the present applicant in the FIR. It further

appears that confessional statement was recorded of the main accused Rahul Tayade, wherein he has disclosed the name of the present applicant stating that she has instigated him. Further there is another incriminating circumstance in the nature of CDR calls. However, it is to be borne in mind that even if, it is presumed that the present applicant and the main accused Rahul Tayade is having love affair with each other then in that case, there is every likelihood that there would be calls between them. Merely because there were calls between the two that by itself is not sufficient to connect the present applicant with the crime. There may be strong motive, however, in the absence of concrete evidence only strong motive is not sufficient. Considering the fact that disclosure statement which was made by the main accused Rahul Tayade against the present applicant is not admissible and another fact that only incriminating circumstance is the CDR reports. Under such circumstances, I am inclined to grant the bail. Hence, the following order:

ORDER

- (i) The Criminal Application is **allowed;**
- (ii) The applicant/accused (Shamli Amit Gajbhiye) be released on regular bail in connection with Crime No.622 of 2025

registered with Frezarpura Police Station, Amravati for the offence punishable under Sections 103(1), 49, 61(2) of the Bharatiya Nyaya Sanhita, on her 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 her residential address and cell number to Police Station concerned and shall not change her place of residence without prior intimation to the Investigating Agency;

(v) The accused shall attend each and every date of trial regularly. If she fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, her 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.)