



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

CRIMINAL APPLICATION (ABA) NO. 958 OF 2025

(Baban s/o Mukinda Gore and ors Vs. State, thr PSO, PS Washim (Rural) Dist. Washim)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. V.R. Deshpande, Advocate for applicants.
Ms. M.R. Kavimandan, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATE: 21.04.2026

Heard.

2. Apprehending arrest, the applicant Baban, Nanda, Sandip and Asha, who are accused Nos. 2, 3, 4 and 5 in the First Information Report No. 226/2025, registered with Police Station, Washim, Dist. Washim, for offences punishable under Sections 201, 301, 380, 420, 468, 469 read with Section 34 of the Indian Penal Code, have approached this Court.

3. In short, it is the case of the informant Pandhari Dattuji Idhole before the jurisdictional Magistrate in an application preferred under Section 156(3) of the Criminal Procedure Code ("Cr.P.C.") that his uncle by name Dnyanoba Idhole died on 2.7.2023 without leaving any legal heir. As the wife of said Dnyanoba had died prior to the death of Dnyanoba, accused no. 1 was employed as a care taker. It was further alleged in the FIR that the applicant Baban is the father of original accused no. 1 Dhananjay and said Dhananjay killed Dnyanoba when the informant was not in town and had gone to

Pandharpur. It is further alleged in the FIR that on 2.7.2023, accused no. 1 Dhananjay had telephonically informed the informant that Dnyanoba, the uncle of the informant was admitted in Critical Care Hospital, so he should immediately come. Thereafter, again, a telephone call was made and it was informed to the informant, that Dnyanoba had died and the arrangement of last rite is made at village Sonkhas. The informant when reached, found that entire arrangement for performing the last rites was made. Since the informant suspected, he requested accused to refer the dead body of Dnyanoba for post mortem but the same was not done and finally last rites were performed. According to the application preferred before the jurisdictional Magistrate with a view to grab immovable property of Dnyanoba, accused no.1 had earlier entered into sale deed with said Dnyanoba and got transferred his land in favour of accused no.1. The said transaction, according to the application preferred under Section 156(3) of the Cr.P.C. was bogus since the consideration paid to Dnyanoba was again and credited in account of accused no.1. It is in this background, an application was preferred by the informant before the jurisdictional Magistrate praying for direction to Police for registration of FIR.

4. The learned counsel for applicants has contended that criminal law was set in motion ignoring the mandate of judicial pronouncement of the Hon'ble Apex Court in case of ***Priyanka Shrivastava and anr vs. State of Uttar Pradesh and Ors***, reported in ***(2015)6 SCC 287***. He then submitted that challenging the procedural illegality, the original accused no.1 and others had

approached the Hon'ble the Division Bench of this Court by preferring Criminal Application (APL) No. 1335/2025 and on 29.9.2025, by way of interim relief, though investigation was directed to be continued, the Investigating Officer was injuncted from filing Charge Sheet without leave of the Court. He thus submitted that the manner in which the criminal law set in motion, was contrary to the law and the said act goes to root of the matter. Coming to the merit of the case, the learned counsel for the applicants submitted that principal allegations are against original accused no.1 Dhananjay. He further submitted that it was the informant himself who performed the last rites and the informant did not take step to approach the police station immediately, which speaks volume for itself. He thus, submitted that custodial interrogation of the applicant is not required.

5. Per contra, the learned APP has contended that the last rites were performed in great hurry and no time was given to the informant to approach the Police or to make a request to conduct post mortem on the dead body of Dnyanoba. She further submitted that when informant had gone out of town at that time only, the conspiracy was hatched and Dnyanoba was killed. According to her, the investigation shows that the property of Dnyanoba was purchased by accused no.1 in which it is shown that some consideration was paid to Dnyanoba but on further enquiry, it revealed that consideration was again transferred in bank account of accused no1.

6. At this stage, it is necessary to mention here that accused Dhananjay has not approached this Court and therefore,

commenting on his role would not be necessary. So far as present applicants are concerned, who are the parents, sister and brother-in-law of original accused no. 1, only vague allegations are made that they have also supported the act of accused no.1. The learned APP could not point out any material which would connect the present applicants to the crime in question. This Court vide order dated 19.12.2025, had granted ad interim anticipatory bail to the applicants with direction that they shall attend the police Station. Learned APP fairly submits that the applicants had attended the police Station.

7. In view of the aforesaid discussion, suffice it to say that there is no material on record to connect the applicants with the crime. Said Dnyanoba died on 2.7.2023 and it is in presence of several persons, last rites were performed and cremation was done. The informant had not approached any of the authorities requesting conducting post mortem on dead body or setting criminal law in motion, immediately. The principal allegations are against accused no. 1 Dhananjay, who has not approached this Court. Considering the nature and material available against the present applicants and the fact that they have cooperated the Investigating Agency, I am inclined to allow the present application and consequently, following order is passed:

ORDER

- i) In the event of arrest in connection with Crime No. 226/2025, registered with Police Station, Washim, Dist. Washim, for offences punishable under Sections 201, 301, 380, 420, 468, 469 read

with Section 34 of the Indian Penal Code, the applicants Baban s/o Mukinda Gore, Nanda w/o Baban Gore, Sandeep s/o Deorao Idhole and Asha w/o Sandeep Idhole be released on bail on furnishing a P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with one solvent surety in the like amount.

ii) The applicants shall attend the concerned Police Station on 25th and 26th of April 2026, between 12.00 to 2.00 pm. and thereafter, as and when called by the Investigating Officer and shall cooperate with the investigating agency.

iii) The applicants shall not tamper with the prosecution evidence or threaten the prosecution witnesses.

iv) The applicants shall not leave the India without prior permission of the Court.

(RAJNISH R. VYAS, J.)