



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

CRIMINAL APPLICATION [BA] NO. 150 OF 2026.

Dayaram Ganjilal Varti.

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri T.U. Tathod, Advocate for the Applicant.

Ms S. Haider, A.P.P. for the Non-applicant.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 16, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.213/2025 registered with Shirkhed Police Station, Amravati Rural, for the offence punishable under Section 103[1] of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The first information report in the matter came to be lodged by Maliyan Uikey, alleging that marriage of his son Dharmu was scheduled on 23.05.2025 with one girl. On 21.05.2025, his son went to Valni for purchasing fireworks,

however, since he did not return back and his phone was switched off. On enquiry it was learnt by him through CCTV footage on 22.05.2025 that his son was going on a motor cycle, which was driven by the present applicant, and one unknown person was also sitting with them. He initially lodged missing complaint. It was revealed by the informant that the applicant was having love affair with his would be daughter-in-law. On 23.05.2025, the informant was called in the police station and informed that a dead body was found in a well situated in an agricultural field, and he was called to identify the said dead body. The informant identified that the dead body was of his son Dharmu. There were injuries on the head of the deceased. Hence, alleging that the applicant had committed murder of his son, the informant lodged the first information report.

4. The learned Counsel for the applicant submits that only on the basis of last seen theory, the applicant was arrested. Motive was shown to be that the applicant was having love affair with one girl with whom the deceased was about to marry, and therefore, the allegations are that the applicant has

killed the deceased based on CCTV footage which shows that the deceased was last seen with the applicant. Apart from this, there is nothing to connect the applicant with the crime. The applicant came to be arrested on 23.05.2025 and his clothes were seized by the investigating agency, however, there are no blood stains on the clothes. It is submitted that the dead body was found in the agricultural field and cause of death was shown to be head injury. The applicant was seen with the deceased on 21.05.2025 at about 5 p.m., there is no time of death shown in the postmortem report by the Medical Officer, and therefore, the applicant cannot be linked with the murder of the deceased, as the dead body was found on 23.05.2025. There is no link between the missing of the deceased and finding of dead body on 23.05.2025, and only on the basis of last seen theory, the applicant cannot be kept behind bars for indefinite period. It is informed that till date no charges are framed and therefore, he prays for grant of bail.

5. On the other hand, learned A.P.P. vehemently opposed the application and submits that the girl with whom the deceased was about to marry, the applicant was having love

affair with her, and therefore, there is a strong motive with the applicant to eliminate the deceased. She further submits that the CCTV footage from various places were collected, wherein the applicant was seen along with the deceased. The applicant and the deceased were seen on a motorcycle and accordingly the applicant murdered him in one agricultural field with the help of a stone. She submits that initially father of the deceased had lodged missing report on 22.05.2025, and thereafter the dead body was found on 23.05.2025. The cause of death is head injury. Thus, considering this circumstance, all the circumstances point towards the applicant, there is no explanation coming forward from the applicant as regards the last seen theory, and thus, considering the nature of allegations and sufficiency of material, the application is liable to be rejected.

6. I have considered the rival submissions of both the parties. Admittedly on 22.05.2025 a missing report was lodged by father of the deceased. The applicant was seen in the CCTV Footage with the deceased, however, it appears from the CCTV footage transcript that the deceased had called

the applicant while he was going on the motorcycle. Had it been the case that the applicant himself went towards the deceased, and asked him to sit on the motorcycle, things would have been different. However, in the CCTV footage transcript it is specifically stated that the deceased has shown hand towards applicant and asked him to come and accordingly the applicant went towards the deceased and sat on the motorcycle. It is further to be noted that apart from last seen theory, there is nothing on record to link the applicant with the crime. It could be gathered from the investigation papers that though motive has been alleged, however, the link is missing. It is also to be noted that the dead body was found on 23.05.2025, and missing report was lodged on 22.05.2025. In the postmortem report and in the letter issued by the Medical Officer there is no exact time of death, and therefore, it can be gathered that at present there is no proximity between the last seen and finding of the dead body in the agricultural field. The investigation is complete and charge sheet is filed, and considering this factor, coupled with the above, I am inclined to grant bail to the applicant, hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Dayaam Ganjilal Varti be released on regular bail in connection with Crime No.213/2025 registered with Shirkhed Police Station, Amravati Rural, for the offence punishable under Section 103[1] of the Bharatiya Nyaya Sanhita, 2023 (BNS) on his furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.
- (iii) The accused shall not enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.
- (iv) 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.
- (v) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
- (vi) The 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

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entail the State to ask for cancellation of bail.

- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE