

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

**CRIMINAL APPLICATION NO. 68 OF 2026**

Mangesh Arun agaldare

..vs..

State of Maharashtra

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders  
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Shri T.U. Tathod, Advocate for the applicant.  
Mrs M.H. Deshmukh, APP for the State.  
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**CORAM: M.M. NERLIKAR, J.**

**DATE : 10.02.2026.**

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.443 of 2025 registered with the Manora Police Station, District Washim for the offence punishable under Sections 103(1) and 238 of the Bharatiya Nyaya Sanhita, 2023.

3. The informant, Naresh Agaldare, who is the maternal uncle of the deceased, has lodged the report alleging that his niece, Radhika (deceased), was married to one Laxman Sasane in the year 2021 and out of the said wedlock have one daughter aged 3 years. It is alleged that the husband of the deceased used to doubt her character, due to which she took divorce from him on 28.05.2024 and was residing with her grandmother. It is alleged that on 13.07.2025 at about 6.30 a.m., the informant's mother woke up in the morning and tried to wake up deceased Radhika, but she did not respond. Then the informant immediately rushed to the house and saw that Radhika was lying on the floor. He noticed a black mark on her neck indicating strangulation and,

therefore, the informant lodged the report against an unknown person.”

4. Learned Counsel for the applicant submitted that the informant alleged that the unknown person has committed the murder of the deceased by strangulating her. In the entire charge-sheet absolutely there is no material against the present applicant however he was arrested only on the basis of the statements given by one Archana, wherein she discloses that before 7 days of the death of the deceased, the deceased had disclosed to Archana that the present applicant is threatening her and shown recording of their conversation to her. Further the learned Counsel for the applicant submits that the statement of the wife of the present applicant is one of the another incriminating circumstance against the present applicant, wherein she stated that the applicant went away at about 9:00 pm on 12.07.2025 and did not return till midnight, therefore, she tried to call him at about 11:15 pm, however, he did not receive the call thereafter she slept. Accordingly, at midnight, she was woken up by the present applicant by giving explanation as to why he has not picked up her call earlier. Apart from this, there is nothing on record, which suggests that the present applicant is involved in the crime, and therefore, the applicant deserves to be enlarged on bail.

5. On the other hand, the learned APP has invited my attention to the postmortem report, wherein the cause of death is shown as “Cardiorespiratory failure due to asphyxia secondary to strangulation ”. She has also invited my attention to the column no. 11 wherein it is

observed that “ Well marked in whole body, suggestive of approx death is before 16 to 17 hrs” from which it appears that if the statement of the wife of the applicant Mayawati is considered, it is apparent that the applicant was not at home from 9:00 pm to 12:30 am on the fateful night, which points out the guilt of the present applicant. This incriminating material is sufficient to connect the present applicant with the crime and hence, the applicant cannot be enlarged on bail.

6. I have heard both the learned Counsel appearing for the parties and perused the record. Admittedly, the FIR has been registered by the maternal uncle of the deceased against unknown person. Postmortem report shows that the cause of death is “Cardiorespiratory failure due to asphyxia secondary to strangulation”. The death of deceased is homicidal death. However, whether the applicant is involved in the crime of murder of the deceased or not is the question. After perusal of the statement of the Archana as well as the wife of the present applicant Mayawati, will give rise to the suspicion. However, there is no concrete evidence in order to show that at any point of time the applicant visited the house of the deceased between 9:00 pm to 12:30 am., where she resided with her grandmother and further the postmortem report suggests that the death was caused before 16 to 17 hours, that means approximately at about 9:00 pm. However, there is nothing to show that the present applicant was at any point of time between 9:00 pm to 12.30 am was ever present in the house of the deceased. Considering the fact that the investigation is complete and charge-sheet

has been filed, and the applicant is behind the bar since 14.07.2025, I am inclined to enlarge the applicant on bail Hence, the following order :

- (a) The application is allowed.
  - (b) The applicant Mangesh Arun Agaldare in connection with Crime No.443 of 2025 registered with the Manora Police Station, District Washim be released on bail on furnishing P.R. bond of Rs.50,000/- with one surety in the like amount.
  - (c) The applicant 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.
  - (d) 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.
  - (e) 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 entail the State to ask for cancellation of bail.
7. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same.
8. All Misc. application(s), pending if any, shall stands disposed of accordingly.

**(M.M. NERLIKAR, J.)**