

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

CRIMINAL APPLICATION (BA) NO. 132/2026

(Devendra alias Bhuru Chunnilal Vs. The 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. A.N. Rangari, Advocate (appointed) for applicant.
Ms. S. Haider, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 17/02/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.380/2025 registered with Police Station Goregaon, Dist. Gondia for the offence punishable under Section 103(1) of Bhartiya Nyaya Sanhita, 2023.

3. Brief facts of the prosecution story is that on 17.06.2025 at about 3.00 pm, father of informant namely Asaram aged 60 years resident of Hetitola went to forest for grazing goats. On the same day, at 06.00 pm goats returned home but Asaram did not return home. Therefore, wife of Asaram and his elder daughter-in-law and one Umrao Raut went to Hetitola forest area near lake to search for him. They found dead body of Asaram near the lake and also found injuries on the head and neck of

deceased Asaram. Son of deceased Asaram namely Hansraj lodged report in police station Goregaon against unknown person.

4. The learned counsel appearing for the applicant submits that the incident took place on 17.06.2025 in the evening and the FIR was registered on 18.06.2025 in the morning. Initially, the FIR was registered against an unknown person. However, immediately at about 10.00 a.m. on 18.06.2025, without any investigation, the applicant was arrested. He has invited my attention to various statements recorded by the Investigating Officer. He submits that so far as the charge-sheet is concerned there are incriminating circumstances like recovery of weapon i.e. axe at the behest of the applicant, whereas another circumstance is last seen and lastly there is one extra judicial confession made to one Mohan Bhoyar about the killing of the deceased by the applicant. He submits that admittedly the applicant was arrested on 18.06.2025, whereas the statements are recorded thereafter. He submits that before arresting the applicant, Investigating Officer ought to have at least conducted the preliminary investigation and ought to have collected some evidence to

connect the present applicant to the crime. However, in this case a reverse investigation has been done. That firstly the applicant was arrested and thereafter the statements were recorded. The first statement which was recorded on 18.06.2025 of Mohan Bhoyar, wherein it was stated in the statement that the applicant was with him in the evening also at about 06.00 p.m. and he had disclosed that he has killed the deceased. The statement of one Vishal Karande, he stated that the applicant was with him from morning 11.00 a.m. to evening, therefore whether the applicant was with Mohan or with Vishal Karande is the question because it appears that both these statements are contrary to each other. It further appears that another statement which was recorded on 21.06.2025 who seems to be an eye witness, wherein he has specifically stated that the present applicant with the help of axe has killed the deceased. It is to be noted that at no point of time he has come forward to say that the applicant has killed the deceased before 21.06.2025. There is no explanation in the statement as to why his statement was recorded belatedly when he is the eye witness. Therefore the learned counsel appearing for the applicant submits that the story

of last seen as well as extra judicial confession are also doubtful. He submits that so far as the recovery of weapon is concerned, it was recovered from outside the village. However, he submits that if the statement of the wife of deceased is perused, it shows that the applicant was going towards the village along with an axe. However, she does not say whether the said axe was having blood stains or not. Under such circumstances, the learned counsel for applicant submits that even the recovery is doubtful, there is no concrete evidence against the applicant, therefore he may be released on bail.

5. On the other hand the learned APP vehemently opposes the application and submits that there are three important circumstances against the applicant apart from last seen and one eye witness is also there. She submits that there is recovery of weapon and also extra judicial confession, therefore she submits that considering the ample evidence against the applicant, he may not be released on bail.

6. I have considered the rival submissions. Admittedly, the statement of eye witness was recorded on

21.06.2025, whereas the incident took place on 17.06.2025 in the evening. Had it been a case he has witnessed the said incident, he would have narrated the same immediately. However, statement was recorded on 21.06.2025, wherein there is no explanation for such belated recording of statement and there is no also explanation on his part that why he has not disclosed the fact to the police on the very day. It is further to be noted that so far as other circumstances like extra judicial confession is concerned, it cannot be believed at this stage when the statement of Mohan Bhoyar and Vishal Karande are contrary to each other, as could be gathered that in the evening the applicant was with Mohan, whereas Vishal is saying the applicant was with him. Under such circumstances, it is very difficult to believe the statements of these witnesses, so also the so-called extra judicial confession made to Mohan Bhoyar. So far as the recovery of weapon is concerned, it appears that the wife of deceased saw the applicant while going towards the village along with axe. However, she has neither noticed the blood stains nor noticed any unusual conduct of the applicant. Considering the nature of evidence which was

collected by the Investigating Officer and the fact that the applicant is behind bar since 18.06.2025, I am inclined to grant bail. Hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Devendra alias Bhuru Chunnilal, be released on bail in connection with Crime No.380/2025 registered with Police Station Goregaon, Dist. Gondia for the offence punishable under Sections 103(1) of Bhartiya Nyaya Sanhita, 2023 on his furnishing P.R. Bond of Rs. 25,000/- with one 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 his residential address and cell number to concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.
- (v) The applicant/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 entails the State to ask for cancellation of bail.

(vi) The applicant shall not enter into the village Hetitola (Palewada), Tal. Goregaon, Dist. Gondia.

(vii) The fees of appointed counsel be quantified and paid as per Rule.

7. The above observation of this Court are prima facie in nature and are only limited to this application. The Trial Court shall not be influenced by the aforesaid observation.

(M. M. NERLIKAR, J.)

Gohane