



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

CRIMINAL APPLICATION [B.A.] NO. 147 OF 2026

Rahul s/o Shrikrushana Gadhawe

-- VERSUS --

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. P.V. Navlani, Advocate for the Applicant.

Ms. T.H. Udeshi, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 18, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.238/2025 for the offence punishable under Sections 103, 103(1), 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, BNS, registered with Police Station Digras, District Yavatmal.

3. The principal allegations against the applicant is that he has held hands of the deceased and the accused No.1, namely, Sameer, has assaulted with the help of broken beer bottle on the neck of the deceased, which resulted into his death, and accordingly, the body was thrown in the well.

4. The learned counsel for the applicant submits that absolutely there is no evidence against the present applicant, however, he was implicated only on the basis of the extra-judicial confession made by accused No.1 - Sameer, to his employer – Kailash. From the record, it appears that, aunt of accused No.1 was having illicit relations with the deceased, which was not liked by accused No.1 – Sameer, and on the fateful day, the present applicant and accused No.1 – Sameer called the deceased in order to have beer, and thereafter, the accused No.1 has inflicted blow with the help of broken beer bottle on the neck of the deceased and the applicant has held the hands of the deceased. The learned counsel further submits that, initially, three accused were made, however, only the applicant and accused No.1 – Sameer were implicated and the charge-sheet was filed against both of them. He submits that there is no circumstance which connect the present applicant, and therefore, he may be released on bail.

4. The learned A.P.P. vehemently opposes the application and submits that the accused No.1 is having motive, as he did not like the relations between the deceased and his aunt, and therefore, Sameer was having motive to kill the deceased. The present applicant is the friend of accused No.1 – Sameer, and therefore, according to her, in

furtherance of their common intention and in order to eliminate deceased both have killed the deceased. There is also evidence in the nature of extra-judicial confession which was made by accused No.1 to his employer about killing of the deceased by accused No.1 and the present applicant. She further submits that evidence in the nature of C.C.T.V. footage is on record which goes to show that the present applicant as well as accused No.1 and the deceased had gone together to have liquor, and therefore, according to her, this circumstance is very much incriminating which connect the present applicant with the alleged crime, and therefore, she submits that this is not a fit case to grant bail.

5. I have considered the rival submission. Admittedly, it appears from the record that the accused No.1 has made extra-judicial confession to his employer namely, Kailash. It further appears that brother of the deceased has registered the F.I.R. against unknown persons. The cause of death is shown as stab injury on the chest. It further appears that aunt of accused No.1 was having illicit relations with deceased, however, the motive is attributed to the accused No.1, even the role played by the applicant, even if it is accepted, that he has hold the hands, same is not sufficient to keep the applicant behind bar for indefinite period. Merely on the basis

of extra-judicial confession which was made by the accused No.1, the present applicant cannot be kept behind bar. Insofar as the C.C.T.V. footage is concerned, it only shows the present applicant along with accused No.1 and the deceased. This circumstance itself is not sufficient to connect the present applicant with the crime. It is a settled principle of law, all the incriminating facts must form a complete chain. In this view of the matter, considering the nature of material and the fact that the applicant is behind bar since 28/03/2025 and the investigation is complete and charge-sheet is filed, I am inclined to grant bail to the present applicant on imposing stringent conditions. Hence, the following order:-

ORDER

- (i) The Criminal Application is **allowed;**
- (ii) The applicant/accused (Rahul s/o Shrikrushana Gadhawe) be released on regular bail in connection with Crime No.238/2025 registered with Police Station Digras, District Yavatmal, for the offence punishable under Sections 103, 103(1), 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, on his 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 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;

(v) 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 or even trial Court *suo moto* take cognizance of this and cancel the bail;

(vi) Pending Misc. Application(s), if any, also stand disposed of.

7. The observations of this Court are *prima facie* in nature. The Trial Court shall not be influenced by the observations of this Court and the observations are restricted to this bail application only.

[M.M. NERLIKAR, J]