

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

CRIMINAL APPLICATION (BA) NO. 249/2026

(Santosh S/o Gauri Nakke Vs. 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. C. B. Barve, Advocate for applicant.
Ms. P. C. Bawankule, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 15/04/2026.

Heard.

2. By this application, the applicant is seeking regular bail in connection with Crime No.44/2024 registered with Police Station Kapil Nagar for the offences punishable under Sections 203, 302, 120-B, 34, 201 of the Indian Penal Code read with Section 3(1)(i), 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 ("MCOCA"), Section 135 of the Maharashtra Police Act and Sections 3(2)(v)(va) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Brief facts of the prosecution story are that on 02/02/2024 at about 11:30 p.m., the informant received a phone call from her mother, informing her that her husband (the deceased) has been assaulted with a knife

and was taken to Mayo Hospital for treatment. The informant immediately rushed to the hospital and found her husband lying on a stretcher with three injuries on his chest. After examination, the doctor declared him dead. The informant inquired with Ankit @ Ganja Jaynag Chauhan, who was working with the deceased who stated that co-accused Chhota Dattu @ Rahul Ramesh Ramteke demanded money from the deceased for liquor consumption. The deceased refused, following which Chhota Dattu assaulted him with a knife. Friends of the deceased tried to intervene, but the deceased collapsed due to the assault. Based on the said report, a first information report was registered.

4. The learned counsel for the applicant submits that the applicant is not the main assailant. There is nothing on record to show that the applicant is involved in the crime. In the first information report the name of the applicant does not appear, however it transpired during investigation that the applicant has hatched conspiracy to eliminate deceased Mangesh. Merely on the basis of Call Detail Records between the applicant and the other, that by itself is not sufficient to connect the applicant with crime. He

further submits that the statement wherein the applicant was implicated recorded almost after one month of incident, wherein it is alleged that at Chinese Thela, the conspiracy was hatched, wherein the present applicant instigated the main assailant Rahul @ Chota Dattya to commit the murder of deceased Mangesh as the deceased was having the business of gambling and the applicant and his brother also intends to do the same business in that area. Apart from this, there are no other allegations of actual participation in the offence of murder, therefore he submit that the applicant be released on bail considering the nature of allegations against the applicant.

5. On the other hand, the learned APP vehemently opposes the application and submits that the applicant hatched the conspiracy to eliminate deceased Mangesh as the applicant and his brother Satish Gauri Nakke were having strong motive to commit the murder. All the accused persons hatched the conspiracy in order to eliminate the deceased. She submits that accused is also involved in the gambling business, therefore he had expressed his desire to alongside the deceased to which the deceased denied, therefore the gang leader Satish

hatched the conspiracy and committed murder of deceased Mangesh. She invited my attention to the Call Detail Records, wherein between the period from 21:45 hrs to 23:15 hrs., there were continuous calls between the main assailant and the present applicant as well as the gang leader Satish. She further invited my attention to the statement of one witness namely Mohammad who was doing the business of Chinese food item on whose Thela, the present applicant came between 8:30 pm to 9:30 pm and at that time, other co accused persons including Rahul were present. She further submits that the application for bail in respect of gang leader was rejected by this Court by a detailed order and the same was confirmed by the Supreme Court in Special Leave Petition (Criminal) Diary No(s) 50955 of 2025, therefore she submits that the applicant does not deserve to be granted bail as on the same material this Court has passed a detailed order thereby rejecting the bail application. There are serious offences registered against the applicant which are eight in number including this offence, therefore she submits that considering criminal history and background of the applicant, the applicant does not deserve to be granted

bail.

6. I have considered the rival submissions. I have seen the first information report and other material. It appears from the record that in the first information report only the name of the main accused is mentioned and during investigation, it transpired that even the present applicant is involved in the crime as they have hatched the conspiracy to eliminate the deceased. Admittedly, in the present crime the provisions of MCOCA are invoked by the Investigating Agency. It further appears from the papers of investigation and specifically from the statement of one of the witness namely Mohammad that on the day of incident i.e. on 02/02/2024 between 08:30 pm to 09:00 pm, the present applicant came at the Chinese Thela, where main assailant Rahul and other accused persons were present. They hatched the conspiracy and present applicant asked Rahul to eliminate Mangesh and he will get him released from the Court of Law. This statement specifically shows involvement of the present applicant. It is further to be noted that there are several calls between the applicant, main assailant Rahul and Satish during the period from 21:45 hrs. to 23:15 hrs on the day of incident. The

incident took place on the same day at about 11:00 pm. While considering the entire material, this Court by its order dated 25/04/2025 passed in Criminal Application (BA) No. 1083/2024 has scanned in detail the entire material and rejected the application of the gang leader Satish Gauri Nakke while it was upheld by the Supreme Court in Special Leave Petition (Criminal) Diary No(s) 50955 of 2025. The present applicant is the brother of said Satish who is also involved in the crime and the role attributed to the present applicant is much more than gang leader Satish. It is further to be noted that against the present applicant eight crimes are registered.

7. Considering the aforesaid facts that the present applicant is having active role in the crime, so also the past history of the applicant, I am not inclined to grant bail, hence the application is rejected.

(M. M. NERLIKAR, J.)