



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

CRIMINAL APPLICATION [B.A.] NO. 338 OF 2026

Sandip s/o Rambhau Gaikwad and Another

-- VERSUS --

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. Haseeb K. Mirza, Advocate for the Applicants.

Mr. A.R. Chutke, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 27, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.04/2025 for the offence punishable under Sections 103(1), 74, 75 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Karanja, District Washim.

3. The First Information Report dated 03/01/2025 was lodged by the informant, Lavlesh Dashrath Kodape. He stated that his wife, deceased Sonu Kodape, used to regularly graze their goats in the nearby grazing land. On the day of the incident, while the informant was engaged in labour work in an agricultural field, he received information in the afternoon that his wife had been killed. Upon

reaching the grazing land, he found her lying dead beneath a tree with injuries on her neck and right shoulder caused by a sharp weapon, with blood stains on her clothes. The informant alleged that an unknown person assaulted his wife with a sharp weapon while she was grazing the goats, resulting in her death, and accordingly, the F.I.R. was lodged.

4. The learned counsel for the applicants submits that, except for the last seen theory, there is no evidence on record. He submits that one dead body of a lady was found at about 01:00 p.m. on 03/01/2025, and therefore, the husband of the said lady has registered the First Information Report against unknown persons. He further submits that it is the allegation of the prosecution that the applicants followed the deceased on 03/01/2025 between 11:30 a.m. to 12:00 p.m. Apart from this, there is no other evidence in the entire charge-sheet. He further submits that though recovery of sickle is shown from applicant No.1, however, there were no blood stains on the said sickle and it is shown to be recovered on 07/01/2025. Therefore, he submits that merely on the basis of last seen theory and recovery, the applicant cannot be involved. Lastly, he submits that there is no sufficient material against the applicants to connect them with the crime.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that, in the supplementary statement recorded by the Investigating Agency, the informant husband has disclosed that applicant No.1 was having an ill eye on the wife of the informant, i.e., the deceased, and therefore, there is a strong motive to commit the offence. He further submits that there are 3–4 witnesses who have seen applicants following the deceased. The recovery of the sickle was made from applicant No.1 and further blood-stained clothes were also recovered at the behest of applicant No.1, and therefore, he submits that, considering the serious allegations, the applicants do not deserve to be granted bail.

6. I have considered the rival submissions. Admittedly, the First Information Report was registered by the husband on 03/01/2025 against unknown persons. It further appears from the record that the applicants were arrested on 05/01/2025. Perusal of the record discloses that there are three witnesses on the point of last seen, however, it appears that, the statements of all three witnesses were recorded on 29/01/2025, i.e., much after the date of the incident. It is further to be noted that merely on the basis of recovery of sickle and blood-stained clothes, circumstantial link cannot be

established, meaning thereby, that these circumstances alone are not sufficient to connect the applicants with the alleged crime. It appears from the record that the applicants were arrested on 05/01/2025. Considering the nature of material collected by the Investigating Officer and the fact that the investigation is over and the charge-sheet is filed, I am inclined to grant bail by imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicants/accused (Sandip s/o Rambhau Gaikwad and Kishor @ Babu s/o Devrao Kove) be released on regular bail in connection with Crime No.04/2025 for the offence punishable under Sections 103(1), 74, 75 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Karanja, District Washim, on his furnishing a P.R. bond of Rs.50,000/- (Fifty Thousand Rupees) each with two solvent sureties 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 their residential address and cell number to Police Station concerned and shall not change their place of residence without prior intimation to the Investigating Agency;

(v) The accused shall attend each and every date of trial regularly. If they fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, their default would entail the State to ask for cancellation of bail or even trial Court can *suo moto* take cognizance of this and cancel the bail;

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

[M.M. NERLIKAR, J]