



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

Criminal Application (BA) No.349/2026

Sudnam Hatwar V State of Maharashtra thr PSO PS Chandur Railway, District Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. T.U. Tathod, Advocate for applicant.
Mr. A.G. Mate, APP for State.

CORAM : M. M. Nerlikar, J.

DATE : 06-04-2026.

Heard learned Counsel for the applicant and learned APP for the State.

2. By this application under Section 483(a) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (for short, B.N.S.S. Act'), the applicant is seeking bail in connection with Crime No.0597/2025 registered with the non-applicant police Station for offences punishable under Sections 103(1), 238(a), 61(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. The prosecution story in nutshell is that, the informant, being the father of the deceased, lodged a report stating that on 15/10/2025 at about 6:00 a.m., upon waking, he found that the deceased was missing from the house. Thereafter, he and his family members searched for her in the nearby area. Subsequently, at around 11:30 a.m., the informant's son received a phone call from an unknown person informing him that the dead body of the deceased has been found on a railway track. On the basis of the aforesaid, a crime came to be registered against an unknown person.

4. The deceased was found dead on the railway tracks, with her body severed into pieces, apparently due to a railway accident. Initially, a

report to that effect was lodged at Police Station Chandur Railway on 15.10.2025 by the brother of the deceased, treating the incident as an accidental death. However, during the course of investigation, it was alleged that the applicant was having an illicit relationship with the deceased. According to the prosecution, the applicant, in furtherance of a conspiracy with his wife, called the deceased to their house and committed her murder by strangulation. Thereafter, in order to mislead the authorities, they allegedly placed the dead body on the railway tracks, where it was run over by a train, resulting in mutilation of the body and giving an appearance of an accidental death. Learned Counsel for the applicant submits that except the memorandum statement there is nothing on record to suggest that the applicant has committed the offence of murder. The applicant cannot be connected with the alleged offence of murder merely on the basis of the memorandum statement recorded during investigation. It is contended that such a statement, in the absence of any independent corroborative evidence, is insufficient to establish the applicant's involvement in the crime. It is further argued that the memorandum statement is not admissible in evidence insofar as it relates to the disclosure of the alleged incident, except to the limited extent permissible under law. Therefore, reliance placed by the prosecution solely on such a statement is misconceived and cannot form the basis to implicate the applicant in the alleged offence. He further submits that the recovery in the nature of SIM card and the rope cannot be believed for the reason that the SIM card was recovered at the behest of applicant from the railway track where the dead body was found. The submission

contends that the rope, which was allegedly part of the incident, was found in a burnt condition near the railway track. Therefore, considering the nature of allegations, it is prayed that the applicant be released on bail.

5. On the other hand, learned APP vehemently opposes the application and submits that there are WhatsApp calls and chats which show that the applicant and the deceased were having a love affair with each other. He further submits that there is recovery of burnt rope and burnt gunny bag at the behest of the applicant. The deceased's body was carried in a gunny bag by the applicant and his wife and the cause of death has been reported as strangulation by a ligature. According to the prosecution, in view of the purported love affair between the applicant and the deceased, and an alleged dispute involving the applicant, the applicant along with his wife committed the murder and therefore prayed to reject the application.

6. I have considered the rival submissions.

7. Admittedly, it appears that the report initially lodged by the brother of the deceased was on 15.10.2025 in respect of an accidental death. Accordingly, on 16.10.2025, the father of the deceased lodged a report alleging that an unknown person had strangled the deceased and committed her murder. It further appears from the record that there were WhatsApp calls and chats between the applicant and the deceased. It is also revealed that certain articles, namely a burnt rope and a burnt sack, were allegedly recovered at the instance of the applicant. However, apart from these circumstances, there are no clinching pieces of evidence on

record that prima facie indicate the involvement of the applicant in the alleged offence. Even the aspect of motive does not clearly emerge from the material available, so as to establish a nexus between the applicant and the alleged murder of the deceased.

8. Considering the nature of material collected by the Investigating Officer and the fact that the investigation is over and the chargesheet is filed and the applicant is behind bar from 16-10-2025, I am inclined to grant bail on stringent conditions. Hence, the following order:-

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused be released on regular bail in Crime No.0597/2025 registered with the non-applicant police Station for offences punishable under Sections 103(1), 238(a), 61(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 on his executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in like amount.
- (iii) The applicant shall not enter into the vicinity of Dangri Pura, Chandur Railway, District Amravati.
- (iv) 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.
- (v) 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.

- (vi) 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 entail the State to ask for cancellation of bail.
- (vii) The observations of this Court are *prima facie* in nature. The Trial Court shall not get influenced by the same.

(M.M. Nerlikar, J.)