



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

**CRIMINAL APPLICATION [B.A.] NO. 357 OF 2026**

Mahesh Kancha Kale

-- 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. Dhruv Sirpurkar, Advocate h/f. Mr. S.V. Sirpurkar,  
Advocate for the Applicant.

Ms. S.Z. Haider, A.P.P. for the Non-applicant/State.

**CORAM : M.M. NERLIKAR, J.**

**DATE : APRIL 28, 2026.**

Heard.

2. The present application is filed seeking regular bail in Crime No.239/2025 for the offences punishable under Sections 103(1), 311, 238, 3(5) of the Bharatiya Nyaya Sanhita, (BNS) 2023, registered with Police Station Lonar, District Buldhana.

3. The present First Information Report arises out of a long-standing land dispute between the informant's family and the accused persons. The informant, Lata Sonune, alleges that despite their lawful ownership and possession over agricultural and adjoining residential land, the accused persons had encroached upon the said property, leading to prior F.I.R. and pending civil litigation. It is stated

that the accused had earlier threatened and assaulted the deceased in connection with the said dispute, and criminal cases were already registered against them. On 11/05/2025, the deceased left his house to attend police inquiry in connection with a prior report lodged against accused, but did not return thereafter. Despite efforts, his whereabouts remained unknown, leading to registration of a missing report on 14/05/2025. Subsequently, on 10/06/2025, the informant was informed about an unidentified dead body found near Mapari Gurukul area, Lonar, which she identified as that of her husband. Based on these allegations, F.I.R. was lodged.

4. The learned counsel for the applicant submits that, merely on the basis of confessional statement recorded by the police in respect of Crime No.154/2025 registered at Chhatrapati Sambhajinagar on 18/05/2025, wherein, the present applicant was arrested and he has made a confessional statement that he has also committed the present crime, the applicant is arrayed in the present crime. He further submits that such confessional statement is inadmissible. Apart from this, there is no other circumstance to connect the present applicant. It appears from the First Information Report registered at Chhatrapati Sambhajinagar that there was theft of one bike of the

informant bearing No.MH-12-WV-0249, which, according to the informant therein, was stolen by the applicant. The applicant has allegedly stolen the bike of the informant from one Dhaba on the road which passes from Lonar to Chhatrapati Sambhajnagar, whereas he has left another bike which is unnumbered. The unnumbered bike was taken by the informant therein and the police has intercepted the said bike and interrogated the informant as the said unnumbered bike was of Ashok Sonune, who is the deceased in the present case, therefore, according to the learned counsel, absolutely, there is no connection of the applicant with the present crime. On the contrary, the bike of the deceased-Ashok was found with the informant who has lodged the F.I.R. with the Waluj Police Station at Chhatrapati Sambhajnagar, and therefore, he submits that police are trying to establish connection with the present crime, however, the entire story of the prosecution is concocted and cannot be relied on, and under such circumstances, the applicant deserves to be granted bail.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that, initially, in the present crime, missing report was registered by the wife of the deceased on 14/05/2025 stating that the deceased was missing

from 11/05/2025. She further submits that the dead body was found on 10/06/2025, and accordingly, on 11/06/2025, accidental death case was registered, and therefore, considering the cause of death, the F.I.R. was registered. She submits that during investigation, there was one crime, i.e., Crime No.154/2025 registered at Waluj Police Station, Chhatrapati Sambhajnagar, wherein the present applicant was arrested. The said F.I.R. was registered for theft of bike numbered as MH-12-WV-0249 and during interrogation the applicant has confessed that he has also committed murder of the deceased-Ashok, and accordingly, the applicant was arrested in this crime. She further submits that tower location of the applicant was found near the school where the dead body was found, and therefore, according to her, there is sufficient material against the applicant. She further submits that the applicant is a habitual offender and there are number of crimes registered against him including offence of murder and therefore, she submits that the applicant does not deserve to be granted bail.

6. I have considered the rival submissions. It appears from the record that, admittedly, missing report was registered on 14/05/2025 by wife of the deceased-Ashok stating that deceased-Ashok was missing since 11/05/2025. It further appears that the

dead body was found in abandoned school on 10/06/2025, i.e., almost after one month in a decomposed condition, however, the wife of the deceased has identified the dead body, and accordingly, accidental death case was registered on 11/06/2025. It further appears that, considering the multiple injuries on the dead body and the cause of death, F.I.R. was registered against unknown persons. It further appears that one F.I.R. was registered at Waluj Police Station, Chhatrapati Sambhajnagar, i.e., Crime No.154/2025, wherein it is alleged that the motorcycle of the informant was taken by unknown persons, and it appears that during investigation the name of applicant surfaced, accordingly, he was arrested and interrogated and during interrogation in the said crime, the applicant has confessed that he has committed the present crime. Perusal of the record would show that apart from this confessional statement, there is no further evidence on record. As could be seen that the tower location of the co-accused, namely, Ramesh who is the brother of the applicant was seen near abandoned school, however, said Ramesh has already expired. It appears that he was never arrested and before the investigation commenced he died, however, so far as the present applicant is concerned, absolutely there are no other clinching circumstances which would connect the applicant with the alleged crime.

7. No doubt, there are antecedents against applicant and serious offences registered against the applicant, however, the same can be considered as additional circumstance if there are some *prima facie* allegations against the applicant in the present case. Under such circumstances, considering the nature of investigation and the fact that the investigation is complete and charge-sheet is filed and the applicant is behind bars since 04/09/2025, I am inclined to grant bail by imposing stringent conditions. Hence, the following order:-

#### **ORDER**

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

(ii) The applicant/accused (Mahesh Kancha Kale) be released on regular bail in connection with Crime No.239/2025 for the offences punishable under Sections 103(1), 311, 238, 3(5) of the Bharatiya Nyaya Sanhita, (BNS) 2023, registered with Police Station Lonar, District Buldhana, on his furnishing a P.R. bond of Rs.50,000/- (Fifty Thousand Rupees) 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 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 can *suo moto* take cognizance of this and cancel the bail;

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

8. 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 ]