

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

**CRIMINAL APPLICATION NO.363 OF 2026**

Ankit s/o Sanjay Yerne

..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

-----  
 Shri Anil Mardikar, Senior Advocate a/w Shri Digvijay Singh,  
 Advocate for the applicant.  
 Shri A.A. Madiwale, APP for the State.  
 Shri N.S. Padia, Advocate for assist to prosecution.

**CORAM: M.M. NERLIKAR, J.**  
**DATE : 24.04.2026.**

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.523 of 2025 registered with Kuhi Police Station, Nagpur rural for the offences punishable under Sections 103(1), 238, 61(2) (a) read with Section 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The FIR came to be lodged by the son of the deceased, alleging that on 07.09.2025 at about 9:56 a.m., he received a phone call informing him that his father was lying dead on the road. When the informant reached the spot along with his sister and friends, he saw that his father was lying on the road with grievous injuries caused by a sharp-edged weapon, including a deep cut injury on the neck, damage to the right eye, injuries on the right side and back of the head, and multiple injuries all over the body. Therefore, he lodged the report against an unknown person. Upon

investigation, the names of the accused persons were revealed, and the applicant was arraigned as an accused.

4. Learned Counsel for the applicant submits that the prosecution case is based on circumstantial evidence. So far as the applicant is concerned, there are no circumstances against him. According to the prosecution, there was a motive to kill the deceased due to a property dispute between the applicant and the deceased. However, there is no strong evidence to that effect. The applicant and other co-accused persons were seen in the CCTV footage near the spot of the incident. The CCTV footage shows that the applicant and the other co-accused persons were about 10 to 12 kilometers away from the spot of the incident, at a tea stall, from 8:00 a.m. to 8:26 a.m. in the morning, and thereafter they left from there at about 9:28 a.m. on 07.09.2025. This cannot be said to be linked to the alleged incident. The spot of the incident is approximately 10 kilometers away from the place where the applicant was seen in the CCTV footage. Therefore, there is no material in the entire charge-sheet which goes to show that the applicant had dropped Gajanan and Mukhteshwar at the spot of the incident. So far as the CDR report is concerned, solely on the basis of CDRs the applicant cannot be kept in jail. There were normal calls between the applicant and the other co-accused. Co-accused namely Gajanan is the owner of a pan stall and is a tenant of Ankit; therefore, it cannot be said that the calls were for the purpose of hatching a conspiracy.

5. It was further submitted that the statements

recorded by the Investigating Officer would show that the dispute between the applicant and the deceased had already been resolved, and no motive can be attributed to the applicant. He has invited my attention to the statement of the mother of the applicant. Also other statements of witnesses show that many persons had a motive against the deceased, and therefore there is every possibility that someone else killed the deceased and that the applicant has been falsely implicated in the alleged crime. Therefore, the applicant prayed to be enlarged on bail.

6. Learned APP and learned Counsel assisting the prosecution have vehemently opposed the application on the ground that there was a strong motive for the applicant to commit the alleged crime, as there was a property dispute between him and the deceased. One of the statements of Manthan shows that there was a longstanding dispute between the applicant and the deceased. There is also evidence in the nature of CCTV footage. The CDR report of the date of the incident specifically shows that the applicant and the other co-accused were in constant touch since the morning, i.e., from 6:00 a.m., prior to the incident. Even after the incident, there were calls between the applicant and the co-accused. Also, Mukteshwar, who is a co-accused, sustained injuries in the assault and was taken to Rode Hospital, Nagpur, for treatment, which can be gathered from the injury certificate dated 07.09.2025, wherein the time of examination is shown as 11:50 a.m. The weapon used to inflict blows on the deceased is the same weapon by which Mukteshwar sustained injuries.

7. The learned APP further submits that the applicant was initially seen at tea stall at about 8:27 a.m. and left the spot between 9:27 a.m. to 9:28 a.m. All three co-accused sat in the XUV car were seen in the CCTV footage of the tea stall. Thereafter, it is pointed out that the applicant took the said XUV car to Umargaon, where he dropped off two accused persons on the spot of incident, and then returned alone in the said XUV, which can be gathered from the CCTV footage of Oriental Company. Though the fact of dropping and returning alone was not seen in the CCTV footage, however, CCTV installed at Oriental Company shows that the applicant was returning back alone. It is further to be noted that Oriental Company is very near to the spot of incident. Immediately after dropping Mukteshwar and Ganesh Hood, the applicant returned, and those two accused inflicted blows on the deceased. The applicant is the mastermind of the said incident. Therefore, all these circumstances and material are against the applicant, and therefore, he may not be enlarged on bail.

8. I have considered the rival submissions and perused the record. Though the FIR came to be registered against unknown persons, upon investigation, the names of the present applicant as well as the co-accused persons surfaced. Admittedly, it appears that there was a strong motive to commit the alleged crime, as there was a longstanding dispute between the applicant and the deceased, which can be gathered from the statement of the son of the deceased- Manthan who in his statement has said that though the property dispute had resolved in 2024 however, the family

members of the applicant used to instigate him saying that the deceased has taken away the property belonging to his father and therefore he had a grudge towards the deceased. The CCTV footage installed at the pan stall near the house of the victim shows that there were several transactions between applicant and the deceased. Mainly there are three incriminating circumstances against the applicant those are in the nature of CCTV footage and CDRs, so also motive.

9. The CCTV footage installed at the tea stall, is situated around 8 to 10 kilometers from the spot of the incident. It shows that on 07.09.2025, between 8:22 a.m. to 8:27 a.m., co-accused Ganesh Hood and Mukteshwar came to the stall on a motorcycle, and thereafter the applicant arrived. They were seen talking and thereafter around 9:28, they all sat in a XUV car and went towards Umargaon, The said vehicle went towards Umargaon and, at about 9:31 a.m., it was shown returning from Umargaon towards Nagpur in the CCTV installed by Oriental Company which is near the spot of incident.

10. No doubt, there is no CCTV footage at the spot of the incident. However, considering the proximity of their movement from the tea stall towards Umargaon and their return at about 9:31 a.m., there is every possibility that the applicant dropped the two assailants, i.e., co-accused Ganesh and Mukteshwar, at the spot of the incident and that they assaulted the deceased. Considering the close proximity of timing from the time of death which is before 9.56 a.m. as the informant received a call at 9:56 am by which he was informed

about his injured father, in view of this strong circumstance, it is very difficult to say that the applicant was not involved in the crime.

11. The CDR reports also show that the applicant was in constant touch with the co-accused since morning. There were no calls between applicant and Gajanan after 6:56 a.m. Thereafter, there was a call at about 10:04 a.m., followed by other calls at about 11:07 a.m. and 11:11 a.m., which indicates that the applicant was in constant touch with other co-accused persons. After the elimination of the deceased on the road from Mauza Umargaon to Pandharkawada Road, at the turning of Umargaon Shivar on Nagpur Road, the CDR report showed the tower location of the mobile of the applicant, which is the most incriminating circumstance against the applicant.

12. Admittedly, the applicant and the co-accused were seen in the CCTV footage at about 9:28 a.m. while sitting in the XUV car, and thereafter the XUV proceeded towards Umargaon and was seen returning at about 9:31 a.m. This is a vital circumstance against the applicant. As can be gathered from the entire material, there is very close proximity between the presence of the applicant at the tea stall, the spot of the incident, and the place from which the vehicle returned. Also, co-accused Mukteshwar sustained injuries and came to the hospital for treatment at about 11:50 a.m. Further, though the mother of the applicant in her statement has stated that the applicant was present with her however, the fact remains that he was seen only after 10:00 a.m, between 9:10 a.m. to

10:00 a.m. he was not seen by anyone. Also, if the story of the defence is to be believed that he was going towards the funeral and therefore he was seen in the CCTV footage however, then he would have not come back after dropping other accused persons to take his mother to the funeral. The post mortem report also shows various grievous injuries on the person of the deceased.

13. It is further to be noted that there are no calls between accused persons from 9:28 a.m. to 10:04 a.m.. Therefore, this circumstance compel me to believe that the applicant has dropped co-accused persons on the spot and both co-accused have inflicted blows with sharp edged weapon on deceased and thereafter they fled away from the spot. Thereafter at 10:04 a.m. one of the co-accused called the applicant.

14. Considering all these material on record, I am not inclined to enlarge the applicant on bail. Hence, the application stands rejected.

**(M.M. NERLIKAR, J.)**

*Trupti*