

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

CRIMINAL APPLICATION (BA) NO. 392/2026
(Shubham @ Pramod Misal Vs. 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. S.V. Sirpurkar, Advocate for applicant.
Ms. P.C. Bawankule, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 27/04/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.236/2024 registered with Police Station Tamgaon, Dist. Buldhana for the offences punishable under Sections 103(1), 238, 61(2), 3(5) of the Bharatiya Nyaya Sanhita.

3. The case of the prosecution in short is that the informant Santosh Shriram Thorat, informed the Police Station on 16/07/2024 that a human body covered with stones was found in the Vaan river-bed of Katel shivar and its feet were visible. Therefore, police staff and Naib Tahsildar, Sangrampur, went to the spot and inspected the unknown human corpse where it was discovered that the flesh of the body was rotted and there was a bad smell due

to larvae of worms and the post mortem of the body was carried out on the spot. That, on the basis of said information Marg No. 27/2024 has been lodged at Tamgaon Police Station. That, during the course of investigation efforts were made to identify the deceased. Accordingly, based on the tailor's logo on the shirt of the deceased he was identified after confirmation from the said tailor. During further investigation it was found that the son of deceased namely Pramod Alias Shubham Ashok Misal had reconciled with his father and use to meet him at his home. There was a dispute over a property between the accused/applicant and his father due to the plot being sold to someone else rather than transferring it in the name of the Applicant.

4. The learned counsel for the applicant submits that the prosecution case is based on circumstantial evidence. The applicant is the son of deceased. It is alleged that the applicant is having motive to kill his father/deceased. He submits that except for the confessional statement, there are no other circumstances. Therefore, he submits that considering the nature of allegations and the fact that even the cause of death has not been determined, the applicant

be released on bail.

5. On the other hand, the learned APP tried to submit that the applicant confessed that he has committed the murder of his father. Even, according to the call detail record, location of the applicant was found in the house. Apart from that, the APP conceded there are no other circumstances to connect the applicant with the crime.

6. I have considered the rival submissions. It appears from the submissions made by both the parties that the applicant is the son of the deceased. The dead body of the deceased was found on 16/07/2024 and it was in a decomposed condition, therefore the cause of death has not been given in the postmortem report. It further appears that the body was identified on the basis of the label on the shirt, accordingly, the tailor has identified the body as of Ashok's. It further appears from the record that a motive was tried to be brought on record that the deceased and the applicant had a quarrel before four to five days. It further appears that the applicant has given a confession before the Police. Except these, there are no other circumstances. So far as the confession is concerned, it is

inadmissible. As no other circumstances have been pointed out by the learned APP, the applicant was arrested on 22/07/2024 and now the investigation is complete and charge sheet is filed, I am inclined to grant bail. Hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Shubham @ Pramod Misal be released on bail in connection with Crime No.236/2024 registered with Police Station Tamgaon, Dist. Buldhana for the offences punishable under Sections 103(1), 238, 61(2), 3(5) of the Bharatiya Nyaya Sanhita on his furnishing P.R. Bond of Rs. 25,000/- with one surety 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 concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.
- (v) 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.

7. The observations of this Court are prima facie in nature and are only limited to this application. The Trial Court shall not be influenced by the aforesaid observations.

(M. M. NERLIKAR, J.)

Gohane