

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

CRIMINAL APPLICATION (BA) NO.413/2026

(Anil S/o. Shivshankar Rahul 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

Mr. N. B. Rathod, Advocate for applicant.
Ms. T. H. Udeshi, APP for non-applicant/State.
Mr. S.M. Purohit, Advocate assisting the prosecution.

CORAM: M. M. NERLIKAR, J.

DATED : 17/04/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.235/2025 registered with Police Station Hudkeshwar, Nagpur for the offences punishable under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita.

3. The prosecution case in nutshell is that the first information report came to be lodged on 13/04/2025 at about 07:06 hrs by informant Dr. Neema Bhagwan Sonare alleging that the husband of her sister namely Anil Shivshankar Rahule was suspicious on the character of Archana from past few months and used to threaten her of dire consequences. The said fact was told by Archana to the informant whenever they spoke on phone. On

12/04/2025, at about 09:00 p.m. neighbour of her sister Archana namely Shailesh Kapse called and informed that inside of her sister's house a dead body was found. When she reached the house of her sister Archana, she noticed that her sister was lying dead in the house having head injury. Based on these facts, first information report was lodged.

4. The learned counsel for the applicant submits that the applicant was seen in the CCTV footage on 09/04/2025 and there was seizure of his clothes. These are the only two circumstances which could be considered as incriminating against the applicant. However, he submits that so far as the CCTV footage is concerned, though the applicant was seen on 09/04/2025, however, there is nothing to suggest that on that day, the applicant had visited the house of the deceased, who is the wife of the present applicant. He further submits that apart from that there is no time of death recorded in order to link the crime with the applicant and to show proximity with the alleged incident. So far as the seizure of the clothes are concerned, he has invited my attention to the seizure which was made at the behest of Anil Rahule on

16/04/2025 at about 17:03 hrs., wherein the clothes of the applicant were shown to be seized and the place was shown as Rims Medical College, Gondi, Quarter No. 4F1 Raipur. To the said seizure panchanama panch was shown as Saurabh Kirsan and it bears the signature of Investigating Officer namely Mr. Chatarkar. He further invited my attention to another seizure panchanama, wherein though the same date and time is written, however the place was shown at Khairalanzi Gaon, Post, Pidkepar, Tah. Sakoli, Dist. Bhandara. The said seizure was made at the behest of Raju Rahule and the panch to the said seizure panchanama and the Investigating Officer are the same persons as in the aforesaid seizure. Therefore, the learned counsel for the applicant submits that it is not possible to record seizure panchanama from two different persons at two different places, but in the presence of the same panch on the same date and time. Accordingly, he submits that both these panchanamas cannot be believed. Therefore, he submits that the seizure of clothes made on 16/04/2025 at the behest of the applicant cannot be believed. The applicant is in Jail since 13/04/2025 and considering the nature of material collected by the

Investigating Officer, the applicant be enlarged on bail.

5. On the other hand, the learned APP and the learned counsel assisting the prosecution submit that the applicant is the husband of the deceased. The applicant has every motive to kill the deceased as there were differences between the couple. They submit that the applicant and his brother have conspired together and killed the deceased which is evident from the blood stains of the deceased which were found on the clothes which were seized by the Investigating Officer on 16/04/2025. That on the day of incident, the applicant and his brother were seen in the CCTV footage, therefore considering all these factors, the applicant does not deserve to be granted bail.

6. I have considered the rival submissions. This Court by its order dated 27/01/2026 in Criminal (BA) Application No. 1319/2025 has released the co-accused (brother of the applicant) on bail. Prima facie, it appears from the record that there are two incriminating circumstances against the applicant. So far as the first incriminating circumstance is concerned that he was seen in the CCTV footage on 09/04/2025. However, it is to be

noted that neither the applicant was seen in the company of the deceased nor he was seen the proximity of the house. There is no record to show at what distance the CCTV was installed and where the applicant was seen. Further, it is to be noted that there is no time of death shown in the postmortem report nor the Investigating Officer found it fit to get it from the Doctor. Under such circumstances, it is very difficult to state that only on the basis of CCTV Footage the applicant is involved in the crime. Further, so far as the second incriminating circumstance is concerned i.e. seizure of clothes, considering the two panchanamas which are effected on the same day i.e. on 16/04/2025 and at the same time in presence of the same witness and both panchanamas are signed by the same Investigating Officer, it is very difficult to believe seizure panchanama. For the reason that it is not possible that the same witness and the Investigating Officer were present on the same date and time at two different places which are far away from each other and the distance between them i.e. Raipur and Bhandara is approximately 225 k.m. Under such circumstances, for the reasons recorded above and further as the applicant is

in Jail since 13/04/2025, the investigation is over 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 Anil S/o Shivshankar Rahule be released on bail in connection with Crime No.235/2025 registered with Police Station Hudkeshwar, Nagpur for the offences punishable under Sections 103(1), 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