

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

CRIMINAL APPLICATION NO. 420 OF 2026

Piyush @ Sunny Gajanan Waghade

..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 A.M. Jaltare, Advocate for the applicant.
Shri A.G. Mate, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 23.04.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.143 of 2023 registered with the Dahegaon (Gosavi) Police Station, District Wardha for the offences punishable under Sections 302, 120B, 450 and 34 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

3. The FIR came to be lodged by the father of the deceased victim alleging that on 02.10.2023 at around 8.45 pm when they were in the house they heard the gate opening, so the victim went to see as to who has come, suddenly they heard shouting of the victim and saw that one unknown person was stabbing with knife on the neck of the victim and one boy and two girls were standing behind the assailant and one of them was saying "Mar Mar". The victim succumbed to the injuries. Based on this information, a Crime was registered.

4. Learned Counsel for the applicant submits that it is alleged that the applicant along with others have

hatched a conspiracy to eliminate deceased Ankita, as she was having a love affair with one Lucky, who is the husband of Prapti (Accused No. 3). Even if it is presumed that the applicant was present at the house of Prapti, where allegedly the conspiracy was hatched, that by itself is not sufficient to conclude that he was part of that conspiracy. There is no evidence against the applicant to show that he was involved in the conspiracy. So also, the statements of the witnesses indicate that the persons present at the house of Prapti heard her asking some of Lucky's friends to accompany her to the house of Ankita to teach her a lesson. However, witness Ritik, Aniket @ Anna, and the present applicant left one after another from the house of Prapti. This fact can be gathered from the statements recorded under Section 164 before the Magistrate, and therefore, there is absolutely no evidence against the applicant.

5. Further, the prosecution claims that the incident occurred at 10:30 p.m., there is no evidence of the applicant's presence at the place of the incident where the murder was committed. He invited my attention to the online order placed for knife wherein it was pointed out that the knife was ordered on 28.07.2022, whereas the incident occurred almost after one year, i.e., on 02.10.2023, and therefore, there is absolutely no nexus with the said delivery. Also, it is not clear from the entire investigation papers that the knife ordered and the knife used in the commission of the crime is the same, as there is no identification panchanama to that effect. Therefore, as there is no material available against the applicant on record, he may be enlarged on bail.

6. On the other hand, the learned APP vehemently opposed the application on the ground that there is ample evidence against the applicant. The Trial Court has already examined nine witnesses, and only a few witnesses are remaining to be examined. It is also submitted that there are statements of witnesses wherein they have specifically stated about the presence of the present applicant at 11:00 a.m. on 02.10.2023, when the wife of Lucky, namely Prapti, was asking all the Lucky's friends to accompany her to teach Ankita a lesson. He also invited my attention to the CDR report to show that the applicant was in constant touch with the accused persons before and after commission of the crime. Therefore, considering the nature and gravity of the offence, the applicant does not deserve to be enlarged on bail.

7. I have considered the rival submissions and perused the record. Though there are allegations against the applicant that he has hatched the conspiracy along with others to kill the deceased, there are no allegations against him of participating in the alleged crime. It also appears that he was not present at the spot of the incident.

8. It is necessary to mention at this juncture that the statement of one of the witnesses, namely Ritik, shows that the applicant, on 02.10.2023 at about 11:00 a.m., was present at the house of Lucky. It also appears that all the persons allegedly present there were friends of Lucky, and the wife of Lucky, namely Prapti, told them that since Lucky was having a love affair with Ankita,

they should accompany her to teach Ankita a lesson. However, Ritik, Aniket @ Anna, and Yash refused to do so. Perusal of the statement further shows that the applicant was present inside the house; however, after going through the statement recorded under Section 164 of the Cr.P.C. of Ritik, it is specifically stated that even the present applicant had left the house of Prapti and Lucky, following Aniket and Ritik, and therefore, it is very difficult to say that the applicant was involved in hatching the conspiracy. As far as the online order of the knife is concerned, the applicant had placed the order on 28.07.2022. Absolutely, even by any stretch of imagination, it cannot be said that the conspiracy was hatched in the year 2022 and was implemented on 02.10.2023. Therefore, there is no proximity between placing the order for the knife by the applicant and the commission of the offence. Even otherwise, it is not clear from the entire investigation papers that the knife ordered by the applicant is the same weapon that was used in the commission of the crime.

9. As far as the CDR report is concerned, since the applicant is a friend of the main assailant, it is natural that before and after the murder of deceased Ankita, there may be some calls.

10. Considering all these facts and circumstances, and the fact that the investigation is complete, the charge-sheet has been filed, and the applicant is behind bars since 04.10.2023, I am inclined to enlarge the applicant on bail on certain terms and conditions. Hence the following order :

- (a) The application is allowed.
 - (b) The applicant Piyush @ Sunny Gajanan Waghade in connection with Crime No.143 of 2023 registered with the Dahegaon (Gosavi) Police Station, District Wardha be released on bail on furnishing P.R. bond of Rs.50,000/- with one surety in the like amount.
 - (c) The applicant 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.
 - (d) 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.
 - (e) The applicant shall not commit any similar type of offence.
 - (f) The accused shall attend each and every date of trial regularly. If he fails to attend the trial on a **single date**, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
11. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .
12. All Misc. application(s), pending if any, shall

stands disposed of accordingly.

(M.M. NERLIKAR, J.)

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