

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

CRIMINAL APPLICATION NO.494 OF 2026

Sagar s/o Bhimrao Adayke

..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 S.B. Gandhe, Advocate for the applicant.
 Mrs S.Z. Haider, APP for the non-applicant/State.

CORAM: M.M. NERLIKAR, J.

DATE : 07.05.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.79 of 2025 registered with the Kholapuri-Gate Police Station, District Amravati for the offences punishable under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The First Information Report came to be registered against the applicant and other co-accused persons on the basis of their confession at Police Station that they have murdered the deceased Om Belokar.

4. Learned Counsel for the applicant submits that there is no material connecting the applicant with the alleged crime. The case against the applicant is solely based on the confessional statements of the applicant and the other co-accused persons. As regards the CCTV footage, the deceased was seen in the company of the applicant and the other co-accused at about 2:18 p.m.; however, they surrendered at about 8:00 p.m. Therefore,

there is no close proximity between the “last seen together” circumstance and the so-called confession.

5. So far as the Spot Panchanama is concerned, it shows that blood was scattered throughout the entire place; however, no blood was found on the clothes of the applicant. In such circumstances, the applicant cannot be connected with the alleged crime, and the so-called confession cannot be relied upon. Therefore, the applicant prayed to be enlarged on bail.

6. On the other hand, the learned APP vehemently opposes the application on the ground that the applicant, along with his friend, came to the Rajapeth Police Station, District Amravati and confessed that they had killed Om, with the help of a stone. Accordingly, the police party went to the spot of the incident along with the accused persons, where the accused persons showed the place of occurrence. At the spot, the police found the dead body of Om lying on the floor, with his head crushed by a stone, and the said stone was also recovered from the spot.

7. The learned APP also invited my attention to the CCTV footage, wherein the applicant and the other co-accused persons were seen taking to the deceased on a scooty at about 2:18 p.m. From the postmortem report, it reveals that the cause of death was “complications following head injury.” The report further records a laceration over head and face anterior aspect of size 15 x 20 x 10 cm, involving frontal aspect of head and face, compressed and distorted shape. Therefore, considering the brutal murder of the deceased, the learned APP

prayed for rejection of the application.

8. I have considered the rival submissions and perused the record. It appears that, after commission of the crime, the applicant and another co-accused, Nilesh, went to the Rajapeth Police Station and confessed about the murder of the deceased Om, with the help of a stone. When the police went to the spot of the incident, as shown by the applicant and the other co-accused, they found the dead body of the deceased and recovered the stone used in the commission of the offence. Though the incident had taken place within the jurisdiction of Kholapuri Gate Police Station, Amravati City, the applicant and the co-accused had approached Rajapeth Police Station. A communication to that effect was made on the same day, i.e., 19.05.2025, stating the aforesaid facts, and accordingly, the FIR came to be registered at Kholapuri Gate Police Station. Thereafter, the applicant and the other co-accused were taken into custody. It appears that there is material evidence against the applicant in the nature of recovery of dead body and stone, as well as CCTV footage in which the deceased was last seen in the company of the applicant. It is further to be noted that, as can be gathered from the material on record, the deceased was insisting the applicant and the others give him money, and being fed up with the same, the applicant and the others took the deceased on the scooty to the spot and committed his brutal murder.

9. Considering the brutal murder of the deceased, the confession of the applicant, and the corroborative

material in the nature of CCTV footage and recovery of dead body and the stone from the spot of the incident, I am not inclined to enlarge the applicant on bail. Hence, the application stands rejected.

10. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .

(M.M. NERLIKAR, J.)

Trupti