



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO. 83 OF 2026

Shubham S/o. Ashok Dhole and another

Vs.

The State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Ayushi Deepak Mishra, Advocate for applicants.
Shri N. R. Rode, APP for non-applicant/State.
Shri R. Siddharth, Advocate for assist to prosecution.

CORAM :- M. W. CHANDWANI, J.

DATED :- 05.03.2026

Heard.

2. The applicants seek anticipatory bail in connection with Crime No. 323/2025 registered with Police Station Kolhapuri Gate, Amravati for the offences punishable under Sections 103(1), 351(2), 352, 61(2), 308(4), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. Heard the learned counsel for the applicants as well as the learned APP for the State. Perused the case-diary.

4. It appears that the informant, who is the son of deceased- Pawan Wankhede, has lodged the compliant that on 14.12.2025, he received a phone call from Vaibhav Patre demanding Rs.10,000/-. Vaibhav Patre also threatened that he will kill the complainant and his

father if the amount is not given to him. It is also revealed from the First Information Report (FIR) that on 15.12.2025, at about 07:15 pm when the complainant was proceeding towards Ambagate through Bhajibazar, he saw that his father was talking to the applicants and other co-accused near a Pan Stall. Later on, he received a phone call from his friend- Hemant Pethkar that his father is lying near the Pan Stall at Bhajibazar Chowk. He rushed to Bhajibazar Chowk and saw the applicants and other co-accused fleeing from there. He also saw that there were knife like weapons in their hands. There were injuries on the neck, stomach, back of the father of the complainant and blood was oozing from the injuries. The deceased was taken to the Hospital but was declared dead on arrival. Therefore, on the complainant lodged by the informant, the aforesaid offence came to be registered against the present applicants and other co-accused.

5. Perusal of the case-diary reveals that there were three to four persons who had knife like weapons in their hand, who assaulted the deceased. The names of the applicants are mentioned in the FIR. The FIR itself depicts that the complainant saw the applicants and other co-accused talking to his father prior to the incident and after the incident, the complainant saw them fleeing away with knife like weapons in their hand. Therefore, there is *prima-facie* material against the applicants which

shows their involvement in the serious crime of murder of the father of the complainant.

6. The contention of the learned counsel for the applicants is that the applicants were not present on the spot and to prove the same, the applicants had applied for calling their Call Data Record (CDR) before the Trial Court, which came to be rejected. According to the learned counsel for the applicants, adverse inference ought to be drawn against the prosecution, since they opposed the application for calling the CDR of the applicants. Whether they were present on the spot or not is a matter of trial but at present, there is *prima-facie* material against the applicants which indicates their presence on the spot of incident.

7. Hence, considering the nature of allegations, nature of offence and punishment prescribed for the same, discretion of extra-ordinary relief of anticipatory bail cannot be exercised in favour of the applicants.

8. Accordingly, the application is dismissed.

(M. W. CHANDWANI, J.)