

IN THE COURT OF ADDITIONAL SESSIONS JUDGE BULDHANA.  
{Presided Over by A.G. Santani}

MHBU010012982025



Session Case No. 96/2025.  
The State of Maharashtra.  
V/s.  
Kishor Gaikwad +3.

APPEARANCE :

Mr. Ajay R. Dinode, Ld. Advocate for Accused No. 4.  
Mr. Aashish A. Kesale, Ld. APP for the State.

ORDER BELOW EXHIBIT 18.  
{Passed on 27.04.2026}

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01. Accused No.4 namely Madhukar Shamrao Gaikwad, filed this application U/s. 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail. In brief, the prosecution case is that on 07.07.2025, the informant namely Nitin Bhimrao Avsarmol lodged the report with P.S., Amdapur reporting demise of his sister - Aasha, who was wife of accused No. 1 namely Kishore. He informed the police that since her marriage, the accused, who were her in-laws, subjected her to cruelty and thereby, they abetted her to commit suicide. Upon his report, initially, the Crime, for the offences U/s. 108, 85 r/w. 3(5) of the Bhratiya Nyaya Sanhita, 2023, came to be registered. However, in police custody, accused No. 4 fairly admitted his illicit relations with this deceased and the fact that, he murdered her. He allegedly reiterated this fact in his statement before the Court. Hence, the offences U/s. 103(1) and 238(a) of the BNS were added in this Crime. Now, by filing this application, he prayed for his bail on the counts that as of now, the investigation is completed and this Charge-sheet is filed. He is law abiding person, having no criminal antecedents. Originally, this Crime was registered for the offences punishable U/s. 108, 85, 3(5) of the BNS. Later, during the investigation, the offences U/s.103(1) and 238(a) of the BNS were altered. He is falsely implicated in this crime, on the basis of his alleged Confessional Statement to the police, which itself is not admissible in the eyes of Law. There is no corroboration to the alleged confessional

statement and he is made as the accused only the suspicion of having love affair with the deceased. More so, statements of the witnesses reveal that even they knew about their alleged relations, subsequently, by the police. There is no eye witness to the incident and on 30.06.2025, he was present with the other co-accused for lodging missing report of the deceased. This itself shows that he did not commit the said offences. That apart, even the Medical Report is not conclusive, as body of the deceased was completely decomposed and majority body parts were eaten by the aquatic animals. Consequently, there is nothing to gather that her death was caused due to strangulation and it was homicide. Thus, initial version of this informant about her suicidal death is highly possible and probable. He is in custody since last more than 7 months and there is no likelihood of completion of trial in the near future. Hence, he prayed for his bail. Ld. APP denied this application, as there is material to infer his participation in commission of the offences. Likewise, the informant resisted this application for bail, as he may pressurize the witnesses.

02. Mr. Dinode, Ld. Advocate for this accused, submitted that as the co-accused are already released on bail, on the ground of parity, even this accused is entitled for bail. He is falsely implicated in this matter and there was only suspicion that he was in relations with the deceased. The entire prosecution case is based upon circumstantial evidence and it is yet to be proved on trial. Though, the charge is framed, the prosecution wing is proposing to examine near about 31 witnesses to substantiate his guilt, which would take its own time. Since long, he is in custody and therefore, he may be released on bail. He further submitted that earlier, the offences U/s.108, 85, 3(5) of the the BNS were registered and the police shifted its stand completely only during the course of investigation. There is no eye witness to the incident. In support of his contentions, he filed copy of the Order of dtd. 06.08.2025, in Cri. Bail Application No.298/2025, releasing the co-accused on bail. Additionally, he relied on the cases of Anil Maruti

Mane Vs. State of Maharashtra, (2024 SCC Online Bom. 2142) and also on Nilesh Gangaram Godse Vs. State of Maharashtra, (2018 SCC Online Bom 18082). He urged that the prosecution is still to establish that the accused was lastly seen with the deceased and chain of circumstantial evidence. In reply, the Ld. APP Mr. Kesale submitted that there is sufficient material to infer his role in commission of the offences and therefore, even on parity he is not entitled for his bail. The prosecution is ready to proceed with the trial and therefore, this application needs to be rejected.

03. Considering the rival submissions and the record, at the first blush, it is notable that initially, on receipt of the report dtd. 07.07.2025, the offences punishable U/s.108, 85 r/w. 3(5) of the BNS were registered. Bare perusal of the report shows that the accused subjected the deceased with cruelty and thereby, 'abetted' her suicide. However, the investigation had a twist in the light of confession made by this accused, admitting his guilt. One step ahead, in police custody, he gave the statement, which led to 'discovery' of the articles, used for committing her murder, Cell Phones, etc.. More so, the investigation seized a receipt, issued by one Vivekanand Aashram, to manifest that they used to spent time together. In the light of this material, the investigation added the offences U/sec. 103(1) and 238 (a) of the BNS in this matter. The police statements of the informant and Sarla Prakash Wankhade i.e. sister of the deceased, reveal that during the investigation, they could knew about the alleged relationships in between this accused with the deceased. Moreover, in their police statements, the witnesses viz. Ramrao Gaikwad, Samadhan Gite and Popatrao Khandare, who are related with the accused or the deceased in one way or the other, stated that even they had suspicious that they were in such a relationship. **Here**, it wouldn't be out of place to note that in the post-mortem report, it is opined that probable cause of death was owing to compression of neck. **Continuing** with this Opinion of the Medical Experts, notably, during his police custody, this accused made the statement, which led to discovery of

the articles - rope, plastic Tiffin Box, plastic bag, etc., used for commission of this offence. More so, in the light of Kruti (Recreation) Panchanama, he allegedly demonstrated the manner of committing this offence. One step ahead, to fortify the alleged relations between him and the deceased, the investigation seized such receipt from the said Aashram. This way, **prima-facie**, there is sufficient material pointing towards guilt of this accused. It seems that he was in relationship with the deceased, **who** was his sister-in-law (i.e. wife of his younger brother - accused No. 1), at some stage, he was not willing to continue with this affair. More so, the prosecution case is based on circumstantial evidence and as such, to bring home his guilt, the prosecution is to establish the systematic chain of events. However, as on today, this trial is to commence and therefore, at this stage, I am not willing to release this accused on bail. In such a scenario, I do feel that his release would hamper with the prosecution case. Simultaneously, even on the rule of a parity, his claim for bail can not be taken into account. I have gone through the ratios laid down in the cases relied by the accused. With all respects, I am of the opinion that the same are not much appealing to the present set of facts. For, it seems that statement made by this accused led to discovery of the said articles, used for commission of the offence, and **prima-facie**, there is material to infer his participation in this Crime. The charge is framed and the prosecution is inclined to proceed on trial. Being so, as the accused is an Under Trial Prisoner, both the parties may be called to expedite the trial. In the sequel, I pass the following Order:

-: ORDER :-

01. The application (Exhibit 18), for grant of bail, is rejected.
02. Both the parties to expedite the trial.

Buldhana.  
Dated : 27.04.2026,

{A.G. Santani}  
Addl. Sessions Judge, Buldhana.  
District : Buldhana.

**Certificate**

I affirm that the contents of this order are same word for word as per original.	
Name of Court	Additional Sessions Judge, Buldhana.
Name of Steno	Sanjay Chaudhari (Steno Grade I)
Pronounced on	27.04.2026.
Upload Date	27.04.2026.