

MHPA010000922026

The State of Maharashtra

**Versus**

Sanjay Prabhu Kale and others

COMMON ORDER BELOW EXH.26 AND 34**(Passed on 04.03.2026)**

Application (Exh.26) is filed by accused No.3) Vishal Subhash Pawar and application (Exh.34) is filed by accused No.)1 Sanjay Prabhu Kale and 2) Navnath Prabhu Kale u/s 483 of BNSS for releasing them on bail in **Crime No.225/2025** for offences punishable under Section 103(1), 118(1)(2), 310(3)(6) r/w 3(5) of BNS and sec.3/25 of Arms Act registered with Tadkalas Police Station, Dist. Parbhani.

2. Heard learned Counsels of accused No.1 to 3 and learned APP for the State. It is case of prosecution that on 29/8/2025 informant, his parents and wife were at their Akhada (house, cattle-shed, storage situated in the farm) at Kalgaon, Tq. Purna, Dist. Parbhani. At about 7.30 pm, Kuber Dadarao Mane and Kailas @ Balu Sahebrao Honmane have stabbed the father of informant namely Vilas Uttamrao Shinde and wife Jaishri Chandrakant Shinde by means of knife and thereby they committed their murder with intention and knowledge to cause their death, due to the dispute on account of approach road. Accordingly, on the basis of above report, the above crime came to be registered.

3. During investigation, it revealed that Kuber Dadarao Mane and Kailas Balu Honmane have not committed the offence/crime.

However, it revealed that present applicants/accused No.1 to 3 while committing robbery at the Akhada of informant committed murder of father and wife of informant. They also caused injury by means of knife to the informant while committing the robbery. At that time, a dog bite to one of the accused.

4. Learned counsel for the accused argued that this is first bail application. According to prosecution case, informant is eye witness and he has specifically stated names of assailants/robber/murderer viz. Kuber Dadarao Mane and Kailas @ Balu Sahebrao Honmane. However, the present applicants arrested on the basis of circumstantial evidence of discovery/recovery of weapon and the circumstance of dog bite to one of the applicant. The IO has not conducted the test identification parade of the accused and also not recorded supplementary statement of eye witnesses. The prosecution case is totally against the contents of report/complaint. The confession statement before police is not admissible in evidence. Thus, accused are entitled to be released on bail.

5. Learned counsel for accused No.3 relied on following case laws:-

i) **Rohidas Gangaram Jadhav Vs. The state of Maharashtra** : 2002(1) All MR (Cri) 573, Bom.HC, wherein the Hon'ble High Court observed that prima facie appears that there is inconsistency in the two sets of evidence – one incriminating the applicant, while the other indicating his absence at the relevant time on the spot. In view of this position, I think that the applicant deserves to be granted bail.

ii) **Ajit and another Vs. State of Maharashtra**, Cri. Application (BA)

No.10/2023 dated 16/2/2023, Nagpur Bench, wherein Hon'ble High Court observed that in the entire case story no role is attributed to the present applicants. They have been arrested only on suspicion. The confession made by the accused before the police officer is not admissible. The investigating officer has done nothing on the basis of confession made by accused.

iii) **Lokesh Vs. State of Maharashtra** : 2024 NCBHC – NAG 12572, wherein Hon'ble High Court observed and held that mere previous enmity, criminal antecedents or call records not sufficient to deny bail in absence of direct evidence.

6. As per the say of prosecution and arguments of learned APP, present applicants/accused were arrested by the LCB in Crime No.413/2025 for offence punishable u/s 309(6) of BNS registered with Palam Police Station. During the custody in the said crime, the accused disclosed that they along with other three accused have committed the present crime. Yet, other three accused are absconded. The clothes of accused which were on their person at the time of incident have been recovered. The weapon – knife also recovered from the land situated at Majlapur. Accused are habitual offender. They disclosed that they have committed crimes in the jurisdiction of Daithana PS, Palam PS, Purna PS, Tadkalas PS. They also disclosed that they have committed murder of one person in a crime, which they had committed in the jurisdiction of Palam Police Station. The dog had took bite to accused Vishal Pawar at the time of incident in this crime. There is evidence of treatment taken by accused Vishal Pawar in Naigaon Hospital, Tq. Patoda for the injury of dog bite. There is also evidence of mobile tower location of the mobile phones of accused. The gold ornaments, motorcycle, mobile

phones are recovered from the accused. If applicants are released on bail, they will commit again such type of offence and will pressurize the prosecution witnesses. The facts of above cited case laws and present case are not identical and therefore, not helpful to the applicants.

7. Taking into consideration rival contention of the parties, it seems that there is evidence on the point of circumstance of dog bite to accused Vishal. The weapon – knife and robbed ornaments recovered from the accused. So also, there is evidence of tower location of the mobile phone of accused which indicates that at the relevant time accused were on the spot. Thus, there is strong prima facie evidence against present applicants/accused. Murder of two persons/victim involved in this crime. In such circumstances, it is not desirable to release the accused on bail. Hence, I pass following order.

ORDER

Bail Application (Exh.26 and 34) are rejected.

Date : 04.03.2026.



(N.P. Tribhuwan)

Addl. Sessions Judge-2, Parbhani.

Arguments heard on	04.03.2026
Judgment/order delivered on	04.03.2026
Dictated on	04.03.2026
Typed on	04.03.2026
Checked and signed on	04.03.2026

CERTIFICATE

I affirm that the contents of this PDF file Judgment/order is same and as per the original Judgment/order.

Name of Stenographer : Ramesh Annasaheb Kagbatte
Name of the Court : Addl. Sessions Judge-2, Parbhani
Date of Judgment/order : 04.03.2026
Judgment/order signed on : 04.03.2026
Presiding Officer : N.P. Tribhuwan
Judgment/order uploaded on : 05.03.2026