

MHND010015692026



**IN THE COURT OF ADDL. SESSIONS JUDGE-2, NANDED AT
NANDED**

(Before : Shri. T.S. Solankar)

Cri. Bail Appln. No. 587/2026

	Suraj Sambhaji Badvad Age 19 yrs., Occ. Labour, R/o. Dnyaneshwar Nagar, Wadi (Bk), Nanded.	APPLICANT
VERSUS		
	The State of Maharashtra, Through Bhagyanagar Police Station, Nanded, Nanded.	... RESPONDENT

Appearance:

Ld. Adv. Mr. Shivraj Patil, for the applicant/accused.

Ld. Addl. PP Mr. P.V. Bulbule for respondent/State.

(A) CASE DETAILS		
1)	FIR No.	230/2026
2)	Date of FIR	25.04.2026
3)	Police Station, District and Statye	Bhagyanagar, Nanded, Tq. Dist. Nanded. Maharashtra
4)	Sections invoked	Section 103 r.w. 3(5) of Bharatiya Nyana Sanhita, 2023 and Section 4/25 of the Arms Act and Section 3(2) (va) of SCST Act.
5)	Maximum punishment prescribed	Death or imprisonment for life.
(B) CUSTODY AND PROCEDURAL COMPLIANCE		

6)	Date of Arrest	29.04.2026
7)	Total period of custody undergone	3 months
(C) STATUS OF TRIAL		
1)	State of proceedings (investigation/Charge-sheet/cognizance/framing of charges/trial	Charge-sheet Spl. Case No. 130/2026
2)	Total number of witnesses cited in the charge-sheet.	29 witnesses.
3)	Number of prosecution witnesses examined.	N.A.
(D) CRIMINAL ANTECEDENTS		
1)	FIR No. & Police Station	--
2)	Sections	--
3)	Status	--
(E) PREVIOUS BAIL APPLICATIONS		
1)	Court	Nil
2)	Case No.	--
3)	Outcome of case	--
(F) COERCIVE PROCESSES		
1)	Whether any Non-bailable warrant was issued	N.A.
2)	Whether declared a proclaimed offender	No

ORDER BELOW EXH. 1

(Date : 29.07.2026)

This is the first bail application filed u/Sec. 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 by the accused i.e. applicant in connection with Crime no. 230/2026 registered at Bhagyanagar Police Station Nanded for the offences p/u/secs. 103 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 4/25 of Arms Act, 1959 and Section 3(2) (va) The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard Ld. Adv. Mr. Shivraj Patil for the applicant and Ld. DGP Mr. R.N. Dshmukh for the State. Perused bail application, documents, police say and police reports.

3. **Brief facts:**

3.1 It is alleged in the report dated 25.04.2026 by informant Keshav Datta Gaikwad that, at about 10.30 p.m. in the night at Aapulki Plot, Navi Wadi, Nanded, the accused in furtherance of their common intention, committed murder of his brother on account of financial transactions with main accused Sonu Buktare. Hence, offence was registered.

3.2 The main allegation against the present applicant is that, he provided information about whereabouts of the deceased prior to commission of murder to main accused Sonu Buktare.

4. During the investigation since as many as 10 accused disclosed, therefore, by highlighting role of each accused, the investigating officer added Section 61(2) i.e. Criminal Conspiracy as well as Section 3(2)(va) of SCST Act.

5. Learned advocate for the applicant submitted that, the only role attributed to the applicant that, he gave information on the date of incident to the main accused Sonu Buktare about whereabouts of deceased and nothing else. The applicant was not present on the spot. The applicant is arrested on 29.04.2026, since then he is in custody. He is not having rivalry with the deceased. Even he submitted that, on the basis of material collected by the investigating agency, accused will not be convicted. Applicant not having any antecedents. He is hardly aged about 19 years. His entire family is depend upon him. Nothing is revealed in the charge-sheet. Conditions may be imposed and lastly, prayed for allowing the application.

6. *Per contra*, Ld. DGP for the State argued in line with police say below Exh.5. He vehemently submitted that, the dagger used in the commission of crime is recovered from the co-accused. The present applicant was in touch with main accused Sonu Buktare before execution of their plan to eliminate the brother of informant. There is CDR and SDR which indicate role of the applicant. Applicant was part of the conspiracy. Accused no.10 Pawan Kadam is absconding since commission of crime. He pointed out possibility of pressurizing with the informant and

other prosecution witnesses. Accordingly, prayed to reject the bail application.

7. I have heard both parties at some length.

8. I have gone through the application as well heard submissions of both the sides. I find that, FIR is lodged promptly by the informant against the co-accused Sonu Buktare, Suraj Buktare and Vijay Waywale. The name of present applicant came to be disclosed during the course of investigation as one of the co-conspirator who provided information of whereabouts of the deceased on the date of committing murder of brother of deceased. The police papers are filed on record, which highlights the plight in which the gruesome murder of brother of informant is committed by hatching conspiracy by the main accused along with other co-accused and present applicant. The role attributed to the present applicant may be not graver, but, since he was part of the conspiracy, therefore, it cannot be said that, he has not played any role in the commission of the crime. The PM report para 17 shows that, the accused inflicted as many as 64 injuries on the person of brother of informant. This clearly indicates the ultimate object of said conspiracy.

9. Ld. advocate for the applicant submitted that, applicant just informed to co-accused Sonu Buktare about deceased went on particular direction, therefore, he is not aware about the intention of the main accused. I find that, said argument having no force for the reason that, as per Section 120(A) of

Indian Penal Code, 1860 criminal conspiracy is defined. The explanation therein reads – ‘it is immaterial, whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object’. Therefore, I find that, even if applicant just provided information to the main accused regarding whereabouts of the accused, then also he may be held liable for commission of murder as per principles of present conspiracy. Therefore, the argument that, on the basis of evidence collected by the police machinery, accused may not be convicted is required to be rejected.

10. Ld. advocate for the applicant relied upon **Ravi Ramesh Hadse Vs. The State of Maharashtra, DLD (Cri)-2022-2687**, BOMBAY HIGH COURT (Aurangabad Bench) decided on 06.05.2021 (Coram : Smt. Vibha Kankanwadi, JJ), wherein bail was granted to the accused who was charged for murder alongwith co-accused with the aid of Section 34 of IPC. In that case, it was observed that, to consider the case or role of the accused under Section 34 of the IPC, prosecution will have to prove fact of common intention during trial, and, accordingly, considering role of said accused that, he only slapped the deceased, he was granted bail.

11. With due respect to the observations made in that case in above bail judgment, I find that, in present matter, the role of present applicant is revealed with the aid of Section 62(2) of BNS. Therefore, not applicable to the facts of the present case.

12. Considering entire facts, I find that, though charge-sheet has been filed in the present matter, but the applicant was part of the conspiracy by which the gruesome murder of informant's brother is committed by all accused. Moreover, if the applicant is released on bail, then possibility of endangering the informant and prosecution witnesses cannot be ruled out. Further, another co-accused is absconding. Therefore, considering *prime facie* material showing involvement of the present applicant in the crime, I am not inclined to grant bail. Hence, I proceed to pass following order.-

ORDER

	Application is hereby rejected and disposed of.
	(Pronounced, typed on Court computer and dictated in open Court)

Date :- 29.07.2026

(T.S. Solankar)
Addl. Sessions Judge-2,
Nanded.

Certificate

I affirm that the contents of this P.D.F. file Judgment are same word to word, as per the original judgment.

Name of Stenographer	:	B.R. Khindre, Steno Grade-1
Court Name	:	District Judge-2 and Addl. Sessions Judge, Nanded.
Date of Order/Judgment	:	29.07.2026
Judgment signed by Presiding officer	:	29.07.2026
Judgment uploaded on	:	29.07.2026

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