

MHAU010038262026

Special Case No.195/2026.



State of Maharashtra

Versus.

- (1) Vishal Vilas Rathod
(2) Akash Vinod Pawar
(3) Karan Vilas Aadhe
(4) Akshay Balkrusshna Shete

E-file.

ORAL ORDER

(Passed on 17/06/2026)

(A)Case Details:

FIR Number and Date	Crime No.58/2026 dated 14/03/2026.
Police Station, District & State	P.S.Osmanpura District- Chhatrapati Sambhajinagar in State of Maharashtra.
Sections invoked	Sections 103(1), 140(1), 140(3), 238, 61(2) of the B.N.S. and Sec. 3(2)(va) of the S.C. & S.T. (P.O.A.) Act, 1989
Maximum punishment prescribed	Life imprisonment or Death Penalty.

(B)Custody & Procedural compliance:

Date of Arrest	15/03/2026
Total period of custody undergone	68 days.

(C) Status of Trial:

Stage of proceedings (Investigation/Charge-sheet/ Cognizance/Framing of Charges/Trial)	Appearance
Total Number of witnesses cited in the charge-sheet	Not given
Number of prosecution witnesses examined	Not given

(D)Criminal Antecedents:

FIR Number and Police Station	NA
Sections	NA
Status (Pending/Acquitted)	NA

(E) Previous Bail Applications:

Court	N.A.
Case Number	N.A.
Outcome of the case	N.A.

(F) Coercive Process:

Whether any non-bailable warrant was issued	No
Whether declared a proclaimed offender	No

ORDER BELOW EXH.04.

(Passed on 17/06/2026)

1. This is an application for grant of regular bail under Section 483 of Bharatiya Nyaya Sanhita, 2023.

2. Read the application and say filed by the prosecution as well as by the informant. I have heard learned advocate Shri.R.B.Gite for applicant/accused, learned Spl.P.P. Shri.K.N.Pawar and learned advocate Shri.R.S.Bhagat for the informant. Perused the entire record.

3. In brief, case of prosecution may be stated as under:

Brother Rajabhau of the informant got retired from the Govt. Engineering College of Chhatrapati Sambhajanagar and he was residing alone at his house at Osmanpura, Chhatrapati Sambhajanagar. He used to go to visit the informant frequently at village Saundare. Informant received a phone call of friends Pravin and Sanjay of his brother Rajabhau at 4.30 p.m. on 06/02/2026 that Rajabhau is not at home since morning and he is not receiving calls hence informant went to the house of his brother Rajabhau and learnt that Rajabhau had been to Chaudhari Farm House at Daulatabad on 05/02/2026 at about 9.00 p.m. for partying by white Creta Car of Vishal Rathod (accused No.1). Informant also learnt from Pravin that Vishal Rathod and his brother in law Akash Pawar (accused No.2) have left Rajabhau at CIGMA Hospital at about 5.00 a.m. on 06/02/2026. When informant inquired about it

at accused Vishal, he was told that after partying at Chaudhari Farm House, he himself alongwith his brother in law Akash had left Rajabhau at CIGMA Hospital as Rajabhau had to take pills for acidity. Informant and police thereafter took search of Rajabhau at Chaudhari Farm House and learnt that Vishal Rathod alongwith one Sir and one boy by name Akash Pawar and two girls had been to the Farm House in the night and they went away at 2.00 a.m.. Thereafter, accused Vishal gave some information to the informant regarding his talks with Rajabhau. Informant and police saw CCTV footage at CIGMA Hospital but Rajabhau was not seen while alighting from the vehicle and while entering in the CIGMA Hospital. CCTV installed at the apartment where Rajabhau was residing was inspected and it was found that one vehicle was going therefrom at 5.15 a.m. but Rajabhau was not seen alighting from the said vehicle. Informant learnt that Rajabhau had given Rs.50,00,000/- to accused Vishal for his Show. Accused Vishal informed the informant that he has returned Rs.28,00,000/- in cash and Rs.10,00,000/- by RTGS to Rajabhau. Informant realized that accused Vishal and accused Akash have hatched conspiracy with their unknown friends on account of financial transactions with an intention to cause harm to Rajabhau and they have kidnapped Rajabhau.

4. Missing report No.5/2026 was registered initially at Police Station Osmanpura. In the course of inquiry of said missing report, it is transpired that accused Vishal, accused Akash and Rajabhau had been by white Creta car of accused Vishal on 05/02/2026 at about 9.00 p.m.. CDR of mobiles of those two accused were obtained from which it was found that their mobiles were switched off early in the morning and their locations could not be traced. It is transpired during inquiry that accused Vishal was having huge monetary transactions with Rajabhau, accused Vishal and accused Akash had taken him to farm house for

partying, status of missing Rajabhau was found on 08/02/2026 on his mobile and his location that time was of Laxmi Road Pune so also, his further location was not available hence, informant realized that accused Vishal & Akash have kidnapped Rajabhau on account of monetary transactions by hatching conspiracy with their unknown friends. On the basis of the report lodged thereafter by the informant, crime as mentioned above came to be registered against accused Vishal, accused Akash and unknown persons.

5. After effecting arrests of accused Vishal and Akash, they disclosed that they have killed victim Rajabhau by pistol and buried his dead body in one pit. It was transpired that applicant/accused had helped co-accused Nos.1 & 2 to bury the dead body of victim hence, applicant/accused is arrayed as co-accused and he is cited as accused No.3 in the charge-sheet. Dead body of victim was taken out on the basis of the information given by the arrested accused persons.

6. Learned advocate for the applicant/accused argued that applicant/accused is under detention since 15/03/2026, name of applicant/accused is not available in the FIR, charge-sheet is already filed and no part of investigation has remained to be carried out. He argued that there is no allegation in the charge-sheet that applicant/accused was present when the actual incident of committing alleged murder of the victim had taken place and applicant/accused is not having any criminal antecedents. He argued that the only allegation leveled against applicant/accused in the charge-sheet is that he had helped accused Nos.1 & 2 to bury the dead body of the victim and considering the said allegation, at the most, it can be said that ingredients of Section 238 only are available in the charge-sheet against the applicant/accused for which, maximum punishment prescribed is upto 7 years only hence, applicant/accused is entitled for

bail. He argued that applicant/accused is ready to abide by the conditions which may be imposed by the Court hence, application may be allowed.

7. As against this, learned Spl.P.P. and learned advocate for the informant argued that there are specific allegations about hatching of conspiracy by accused Nos.1 and 2 with their unknown friends to commit murder of the victim and it is transpired during investigation that applicant/accused is one amongst those unknown friends of accused Nos.1 and 2. They argued that in view of the said allegation of conspiracy, the argument advanced on behalf of the applicant/accused that only Section 238 of BNS is attracted against the applicant/accused cannot be accepted. They argued that applicant/accused has not given the necessary details in the synopsis as per the directions issued by the Hon'ble Apex Court in a case of **Zebha Khan vs. State of U.P., reported in 2026 Cr.L.J.1113** hence, bail cannot be granted due to non compliance of those directions. They argued that offences registered against the applicant/accused are serious in nature and if enlarged on bail, applicant/accused will tamper with the prosecution evidence by pressurizing the informant and other witnesses due to which, application is liable to be rejected.

8. At the outset, it may be stated here that necessary details on affidavit as per the directions given by Hon'ble Apex Court in a case of **Zeba Khan** cited above were not given with the application however, considering the fact that applicant/accused is behind bars, on request made by his learned advocate, permission to file affidavit in that regard has been granted and accordingly, applicant/accused has filed affidavit of his own. Though affidavit is filed, it appears that it does not contain the necessary details like number of witnesses cited on the charge-sheet, status of trial etc. Apparently, it appears that the directions given

in the case of **Zeba Khan** are not properly complied with by the applicant/accused.

9. Admittedly, investigation of the crime is already over and charge-sheet is filed in this Special Court. Admittedly, applicant/accused is under detention since 15/03/2026. Prosecution and victim have not disputed the contention of the applicant/accused that he does not have criminal antecedents. There appears substance in the submission of learned advocate for the applicant/accused that the only allegation against the applicant/accused in the charge-sheet is that applicant/accused had assisted co-accused Nos.1 & 2 to burry the dead body of the victim. The question for consideration is whether the applicant/accused is entitled for bail in the admitted circumstances mentioned above?

10. Perusal of the charge-sheet shows that investigating officer has collected material which prima-facie shows that location of the mobile number of applicant/accused was of the place where the dead body of the victim was buried. There appears substance in the argument of learned advocate for applicant/accused that accused No.1 had given threat to the applicant/accused to cover the pit by putting soil in which, dead body of the victim was buried however, even assuming that threat as such was given by accused No.1 to the applicant/accused, it appears that applicant/accused thereafter did not find it necessary to make a report to the police in respect of the alleged threat given to him by co-accused No.1 and regarding the illegal act committed by accused Nos.1 & 2. It is the contention of the prosecuting agency that applicant/accused has helped co-accused Nos.1 & 2 for disappearing the vital evidence i.e. the dead body of the victim with an intention of screening those co-accused Nos.1 & 2 from legal punishment. Though there appears substance in the argument of

learned advocate for applicant/accused that the only allegation against applicant/accused is about committing act of disappearing evidence by throwing the mobile handset of the victim, I could not find any force in his submission that only Section 238 of B.N.S. is thereby attracted against the applicant/accused. This Court is of the opinion that ingredients of Section 3(2)(va) & (vi) of the S.C. & S.T. Act are prima-facie attracted. Section 3(2)(vi) of the said Act reads as:

3(2) whoever, not being a member of a Scheduled Caste or a Scheduled Tribe -

- (i) ...
- (ii) ...
- (iii) ...
- (iv) ...
- (v) ...
- (va)...

(vi) knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence; or

(vii)...

11. Bare perusal of the above mentioned provision makes it clear that if the act of disappearing evidence with the intention of screening the offender from legal punishment is committed under Chapter II of S.C. & S.T. Act, the offender shall be punishable with the punishment provided for that main offence. In the matter in hands, allegation against co-accused Vishal is that he committed murder of victim Rajabhau and punishment prescribed for the said offence is

either life imprisonment or death sentence. As mentioned above, there are allegations that applicant/accused has helped co-accused Nos.1 & 2 to bury the deadbody of the victim with an intention of disappearing the evidence for screening co-accused Vishal from legal punishment of life imprisonment or death sentence and hence, the argument of learned advocate for the applicant/accused is not acceptable that at the most, ingredients of Section 238 of B.N.S. only are available against the applicant/accused for which punishment upto 7 years is prescribed. Thus, the ground raised to that effect on behalf of applicant/accused is not sufficient for directing his release on bail.

12. Offences registered against applicant/accused are serious in nature. Though investigation is complete and charge-sheet is filed, having regards to the nature of allegations available against the applicant/accused regarding destruction of the evidence and punishment prescribed for the said offence, this Court is of the opinion that this is not a fit case for directing release of the applicant/accused on bail. For these reasons, an order.

ORDER

Application (Exh.4) in Special Case No.195/2026
stands rejected.

Date: 17/06/2026.

(Prashant P. Rajvaidya)
Special Judge [Under SC & ST Act]
Aurangabad.

CERTIFICATE

I affirm that the contents of this PDF file order are same, word to word, as per the original order.

Name of the Stenographer	: Rajesh R. Deshpande
Court	: Special Judge (S.C. & S.T. Act), Aurangabad.
Date of Order	: 17/06/2026.
Order signed by PO	: 17/06/2026.
Order uploaded on	: 17/06/2026.