



{1}

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.58 OF 2025

Taterao Govindrao Jadhav,
Age: 60 years, Occu.: Agri.,
R/o. Peva, Tq. Hadgaon,
District Nanded ... Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Police Station, Hadgaon,
Tq. Hadgaon, Dist. Nanded ... Respondent

.....
Mr. S.S. Thombre, Advocate for Applicant
Mr. V.M. Jaware, APP for Respondent - State
.....

CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 04 APRIL 2025
PRONOUNCED ON : 08 APRIL 2025

PER COURT :-

1. Applicant seeks enlargement on regular on account of arrest of the applicant in Crime No.168 of 2024, registered with Hadgaon Police Station, Tq. Hadgaon, District Nanded for offences punishable under Sections 103, 109, 115(2), 351(2), 351(3), 352 and 3(5) of Bharatiya Nyaya Sanhita (BNS) 2023.

{2}

2. Learned counsel pointed out that, applicant is arrested in above crime on 09.07.2024. That there was no intention to kill. Due to sudden provocation arising from a minor quarrel over the letting off of water towards the cattle shed, there are allegations of assault with a wooden log. It was in the heat of anger, which at the most would fall under Section 105-II and not section 103 of the BNS. He further pointed out that, investigation is over and charge-sheet is filed in September 2024. That, no more further recovery or discovery is shown to be made, and as according to learned counsel, there no immediate prospects of matter going for trial, and when other accused are released he seeks enlargement on bail.

3. Learned APP opposed on the ground that there is assault on the head. That, role of present applicant is distinct than other accused, which are released on bail. That, there is an eyewitness as well as independent witness account, and therefore, for all above reasons, learned APP opposes the bail application.

4. Heard. Perused the papers. FIR dated 11.07.2024 is at the instance of one Vijay Warange. He reported that, on 09.07.2024, when his father was washing the motorcycle, that time, water flowed towards cattle shade of Taterao Jadhav, and because of

{3}

it, Taterao and his son Suraj were abused his father, and they threatened him. It is further alleged that, his father was assaulted by means of wooden log and iron pipe. On above report, crime has been registered. It seems that subsequently, Maroti succumbed to the injury. However, it is clearly emerging that, merely because of water entered towards cattle shade, initially there was a quarrel, followed by assault. Therefore, as submitted that, here, *prima facie*, it seems to be a sudden occurrence and not premediated. Applicant himself is 60 years old man. Allegations against present applicant is of using wood, whereas allegations against non-applicant Surag for using iron pipe.

5. Considering the above nature of allegation, and as investigation is over and charge-sheet is filed in September 2024, and when no further recovery or discovery is shown to be made at the instance of applicant, no purpose would be served by further detention, more particularly, when further course of trial is still uncertain, applicant deserves relief of as prayed. Hence, the following order.

ORDER

- (i) Application is allowed.

{4}

(ii) The applicant be released on bail in connection with in Crime No.168 of 2024, registered with Hadgaon Police Station, Tq. Hadgaon, District Nanded on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the area of jurisdiction of the concerned police station, without prior permission of the Court, till conclusion of trial.

[c] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday between 10:00 a.m. to 02:00 p.m. till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane