



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

BAIL APPLICATION NO. 67 OF 2025

Anil Hiranman More
Age: 49 years, Occu.: Labour,
R/o. : Khed – Digar,
Tq.Shahada, Dist.Nandurbar.

....Applicant

Versus

The State of Maharashtra
Through Police Station Officer,
Mhasavad Police Station, Mhasavad,
Dist.Nandurbar.

.....Respondent

.....
Advocate for Applicant : Mr. Sushil Pushpendra Pandit
APP for Respondent: Mr.S.B.Narwade

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 05 MARCH, 2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in crime no.0215 of 2024 registered at Mhasavad Police Station, Dist.Nandurbar for offence under Sections 103(1), 115(2), 118(1), 352, 3(5) of the Bharatiya Nyaya Sanhita (BNS).

2. Learned counsel submitted that applicant is behind bars in above crime since September, 2024. That, there are allegations of hitting by wooden stick. That, there was no motive. That, on trifle

ground occurrence has taken place. He pointed out that, deceased was found to be intoxicated and therefore, head injury, which is shown to be cause of death, is also possible on account of fall. He submitted that stick is already recovered. That, investigation is over. That, FIR is on hearsay information. That, occurrence having taken place all of sudden and not being premeditated, offence of Section 103 of the BNS cannot be attracted. That, chargesheet having been filed and no further recovery is shown to be made, learned counsel seeks grant of bail on any condition deem fit by this Court.

3. Learned APP opposed application on the ground that on trifling count, there was assault by means of stick. That, deceased died due to head injury. Though chargesheet is filed in December, 2024, according to learned APP, there is possibility of misuse of liberty, if bail is granted.

4. Heard. Perused the FIR dated 09-09-2024 at the instance of Aarti Ramole. She has reported that on 09-09-2024 at around 14:00 hours, her father came with torn shirt and therefore, she asked, upon which, he allegedly told her that vegetable vendor Yashwant More questioned him for passing over his shop saying that whether there

was no other way to go and on this count, he abused and hit her father. Informant claims that consequently, she, her maternal uncle Sakharam Tavade and others went to question Yashwant More. It is reported that at around 14:30 hours, seeing them arrive, Yashwant More and his brother Anil More rushed over her father. That, Anil More i.e. present applicant hit father of informant with stick on the head and Yashwant More gave kicks in the abdomen. As a result of which, deceased fell down and become unconscious.

5. As pointed out, on going through the post mortem report, it is emerging that deceased had died due to “head injury”. Therefore, *prima facie*, incident seems to have taken place all of a sudden only when informant and others went to Yashwant More and present applicant to question about previous incident, which is apparently trifling in nature. Now chargesheet is filed. Stick is also recovered. Statement is made across the bar that till date charge has not been framed. Therefore, when no further recovery is shown to be made, considering the nature of allegations, the events that took place prior to the incident, nature of article put to use, and more particularly, when there are no immediate prospects of matter going for trial, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Anil Hiranman More be released on bail in connection with Crime no.0215 of 2024 registered with Mhasavad Police Station, Dist.Nandurbar, on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE