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

BAIL APPLICATION NO.92 OF 2025

Santosh Haribhau Arne,
Age: 26 Years, Occu.: Nil,
R/o. Khadki, Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar ... Applicant

Versus

The State of Maharashtra
Through the Police Inspector,
Kopargaon Police Station,
Tq. Kopargaon, Dist. Ahmednagar ...Respondent

.....
Mr. Shailesh S. Chapalgaonkar, Advocate for Applicant
Mr. S.B. Narwade, APP for Respondent - State
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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 08 APRIL 2025
PRONOUNCED ON : 09 APRIL 2025

PER COURT :-

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.0494 of 2023, registered with Kopargaon Police Station, District Ahmednagar for offences punishable under Section 302 of the Indian Penal Code (IPC).
2. Pointing to the date of arrest of the applicant as 19.10.2023, it is submitted that, there is false implication. That,

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there is no independent witness account. That, informant-mother alleged that, applicant was seen holding axe near her injured daughter. That, there were said to be illicit relations between deceased and present applicant. However, there is no evidence in that regard. That, cause of death is, hypovolemic shock due to multiple grievous injuries to both feet. That, axe is already recovered. That, further recovery or discovery is to be made at the instance of the applicant. That, applicant is behind the bars since almost one and half year. That, though the investigation is over, and charge-sheet is already filed in January 2024, but matter matter is not committed and even charge is yet to be framed. Therefore, on the ground of long incarceration, learned counsel urges for grant of bail.

3. Learned APP opposed on the ground that, informant, who is the mother of deceased is a direct eyewitness. That, applicant is paternal uncle of deceased and out of her relations with others, he allegedly assaulted her. That, there is recovery of clothes as well as axe at his instance. That, there is oral dying declaration to the mother, and therefore, offence being serious, learned APP opposes the bail application.

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4. Heard. Perused the papers. As submitted that FIR dated 19.10.2023 is at the instance of Jyoti Arne. She claims that on 19.10.2023, hearing shouts and cries of her daughter, she and her son ran out of the house and saw that her daughter Neha was lying on the *Ota*. Next to her was the present applicant with axe in his hand and seeing informant, he allegedly fled. Informant claims that, her daughter Neha, on being questioned, reported that, because she was talking with one Saurabh, present applicant came in anger and gave blows of the axe on her legs. On above report, crime has been registered.

5. Applicant is arrested in above FIR, on 19.10.2023. Postmortem report shows that death is due to hypovolemic shock due to multiple grievous injuries to both feet. As submitted that, axe allegedly used is already recovered. Now, investigation is over, and charge-sheet is filed in January 2024. Statement is made across the bar by learned counsel that, in spite of filing of charge-sheet in January 2024, charge is not yet framed. Such submission is not refuted or denied by the learned APP. Therefore, as submitted, there is long pretrial incarceration and as course of trial being uncertain, relief as prayed deserves to be granted. Hence, the following order :

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ORDER

(i) Application is allowed.

(ii) The applicant be released on bail in connection with Crime No.0494 of 2023, registered with Kopargaon Police Station, District Ahmednagar 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 enter Village Khadki, Taluka Kopargaon, District Ahmednagar till conclusion of trial.

[c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[d] The applicant shall attend the concerned police station twice in every week every Thursday and Monday 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**