



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

BAIL APPLICATION NO. 336 OF 2025

Gaurav @ Jyotiba S/o. Chandrakant Nikam
Age: 22 years, Occu.: Labour,
R/o. Mohadal,
Tq.Chakur, Dist.Latur.

....Applicant

Versus

The State of Maharashtra
Through Incharge Police Officer,
Chakur Police Station,
Tq.Chakur, Dist.Latur.

.....Respondent

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Advocate for Applicant : Mr. Sandeep C. Swami
APP for Respondent : Mr.VM.Chate

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 17 MARCH, 2025

PRONOUNCED ON : 19 MARCH, 2025

ORDER :

1. Instant application is for grant of regular bail on account of arrest of applicant in crime no.0483 of 2024 registered at Chakur Police Station, Dist.Latur, for offence under Sections 103(1), 109, 118(2), 352, 3(5) and of the Bharatiya Nyaya Sanhita (BNS).

2. Pointing to the date of arrest of applicant as 23-10-2024, it is submitted that entire family of applicant is implicated. He pointed

out that accused no.3 is granted bail by the learned trial Court itself. That, occurrence is of 18-10-2024 and deceased died on 27-11-2024 i.e. after one month. That, there was no premeditation, ill-intention or motive. That sticks are already seized from spot. That, investigation is over and chargesheet is filed on 17-01-2025. Therefore, according to learned counsel, when no purpose will be achieved by continuing detention and there being no immediate prospects of matter going for trial, he seeks grant of bail.

3. Learned APP opposed application on the ground that initially after occurrence, crime was registered for offence under Sections 352, 3(5) and 118(2) of the BNS, but later on injured died and the relevant sections are added. Learned APP took this Court through the injury certificate and *post mortem* report and submitted that death was due to “complications following head injury”. That, there was assault by stick on head, which is a vital part and therefore, though chargesheet is filed, learned APP apprehends misuse of liberty and thereby, he opposes bail application.

4. Heard. Perused the FIR at the instance of Pallavi Arjun Nikam, who has reported that on 18-10-2024, when she was in the company

of her husband Arjun near Hanuman Temple, at around 08:00 to 08:30 p.m., Gaurav @ Jyotiba Chandrakant Nikam i.e. present applicant, Chandrakant Namdeo Nikam, Savita Chandrakant Nikam, Krushna Chandrakant Nikam questioned for lodging report against them and on such background, it is alleged that her husband Arjun was initially abused. That, Gaurav @ Jyotiba Chandrakant Nikam i.e. present applicant and Krushna Chandrakant Nikam went inside house and returned with sticks and after Chandrakant and Savita hold her husband, above named persons beat him with stick, as a result of injury, he was admitted in Sahyadri Hospital, Latur. On above report, crime was registered for offence under Sections 352, 3(5) and 118(2) of the BNS.

5. As submitted injury certificate shows that deceased had suffered blunt head injury to right temporal region and was required to undergo surgery as he was diagnosed of contusion to brain. *Post mortem* report to which attention has been invited by learned APP indicates that deceased had suffered injury to head and death is reported to be due to “complications following head injury”. FIR apparently shows that after allegedly caught by Chandrakant and Savita, present applicant and one Krushna assaulted with stick on

head of deceased. Therefore, there is direct eye witness. Occurrence does not seem to be happened all of sudden as applicant and other co-accused allegedly after meeting informant and her deceased husband, went inside house and returned with sticks, which certifies their determination. Therefore, though there is death after one month, this Court does not find it a fit case to grant relief. Hence, the following order :

ORDER

Bail Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE