



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.393 OF 2025

Vinod S/o. Vinayak Pawar,
Age : 33 years, Occu. : Agril.,
R/o. Waghluj, Tq. Ashti, Dist. Beed.

... Applicant.

Versus

The State of Maharashtra,
Through Police Inspector,
Ambhora Police Station,
Tq. Ashti, Dist. Beed.

... Respondent.

.....
Mr. N.Y. Kingaonkar, Advocate for Applicant.
Mr. V. M. Jaware, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 28 APRIL 2025

PRONOUNCED ON : 29 APRIL 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in Crime No. 0260 of 2023 registered at Ambhora Police Station, District Beed for offence punishable under sections 302, 323, 326, 506 r/w section 34 of Indian Penal Code.

2. Learned counsel for applicant submitted that, informant is sister-in-law of applicant. That, she has alleged murder of her husband by present applicant, who is brother of

deceased, on account of some money demand of Rs.6000/-. That, incident occurred in spur of moment. That, fuel wood was allegedly picked and assaulted. Learned counsel took this court through the post mortem report and would submit that, injuries are not on vital part. According to him, case at the most would attract section 326 of IPC or culpable homicide not amounting to murder. That, nothing further is to be recovered or discovered. That, charge sheet is filed in October 2024 and as there are no immediate prospects of matter going for trial, learned counsel urges for grant of bail.

3. While opposing the application learned APP submitted that, there is serious offence of murder for only Rs.6000/-. That, applicant has committed murder of his own brother. Learned APP took this court through the injuries noted in column no.17 and 19 of P.M. report. He also pointed out that, previously this court rejected application by order dated 04.07.2024. That, there is no change in circumstances and there is eye witness. For all above reasons, he opposes the bail.

4. Heard. Perused the FIR dated 09.12.2023. Informant Seema has stated that, her husband is in CRPF. Her brother-in-law i.e. present applicant does no work to earn. That, her husband

came on leave on 26.11.2023. Her brother-in-law applicant was demanding Rs.6000/- and it was refused by her husband, resulting into quarrel. On 08.12.2023, applicant allegedly picked up fuel wood from earthen chulha and assaulted on the head of her husband. Her husband was taken to hospital, but he succumbed on the early hours of 09.12.2023.

5. Prima facie, applicant seems to have assaulted his brother for refusing Rs.6000/-. Fuel wood is allegedly used when there was refusal to give money. P.M. report shows that, death is due to head injury. Arrest is of December 2023. There are no immediate prospects of matter going for trial. It is not made known whether charge is framed yet or not. As uncertainty prevails over trial and when no further purpose is shown to be achieved by continued detention, relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

- I. The application is allowed.
- II. Applicant Vinod S/o. Vinayak Pawar be released on bail in connection with Crime No.0260 of 2023 registered with Ambhora Police Station, District Beed, on executing Personal Bond of Rs.25,000/- (Rupees Twenty Five Thousands only) with one surety in the like amount, on the 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 till conclusion of trial.

[c] The applicant shall not enter the vicinity where the informant and her family members reside till conclusion of trial.

[d] 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 commencement of trial and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)