



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

BAIL APPLICATION NO. 396 OF 2025

Subhash S/o Balchand Pardeshi
Age: 60 years, Occu.: Nil,
R/o. : Motipura, Wakadi, Tq.Jamner,
District Jalgaon.

....Applicant
(Orig. Accused)

Versus

The State of Maharashtra
Through Fatepur Police Station,
Tq.Jamner, Dist.Jalgaon.

.....Respondent

.....
Advocate for Applicant : Mr. Shivashish V. Bhopi
APP for Respondent : Mr.VM.Chate

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 04 APRIL, 2025

PRONOUNCED ON : 08 APRIL, 2025

ORDER :

1. Instant application is for enlargement of applicant on regular bail on account of arrest of applicant in crime no.0058 of 2024 registered at Fatepur Police Station, District Jalgaon, for offence under Sections 302, 397, 452 of the Indian Penal Code.

2. It is pointed out that applicant is arrested in above crime on 15-05-2024. It is emphasized that FIR is against unknown person for committing murder of Radhabai, who was said to be 84 years of age.

Learned counsel pointed out that applicant is son of deceased. There is no direct evidence that applicant visited his mother, moreover, he is differently abled and unable to walk and requires to take support of walker. That, no article is recovered from him. Learned counsel pointed out that on statements of some villagers, who merely expressed suspicion, applicant is arrested. That, now investigation is over and chargesheet having been filed in August 2024, according to learned counsel, no purpose would be achieved by further detention of applicant as there are no prospects of trial commencing soon.

3. While opposing the application, learned APP pointed out that though there is no direct eye witness, but there are CCTV footages. That even statements of hotel owner and other villagers show that applicant was visiting his mother, whose gold ornaments were found to be missing. Learned APP pointed out that even after hearing news of death of his mother, there was no grief expressed by present applicant and as such according to him, his such conduct is unusual. For all above reasons, he opposes bail application.

4. Heard. Perused the papers including FIR dated 12-05-2024. Applicant himself is the then informant and he has reported that on

11-05-2024, while his mother was alone, she was done to death by causing head injury in between 11:00 a.m. to 04:00 p.m. That, her ear rings were also forcibly removed and therefore, FIR has been lodged on 12-05-2024 against unknown person. That, after three days i.e. on 15-05-2024 applicant is arrested.

5. According to learned APP, statement of hotel owner and CCTV footages suggest that applicant is involved in murder of his own mother and that, there are statements of villagers.

However, as pointed out, on going through statement of Suresh Krushna Joshi, who is immediate neighbour, it is emerging that suspicion has been expressed against present applicant. Witness claims that applicant was demanding amount of pension received by his mother and that applicant told this witness that his mother had paid visit to his house in the morning. Statements of almost all witnesses are about suspecting applicant to be behind death of Radhabai. Case is based on circumstantial evidence. FIR stated above is against unknown person. None of the witnesses, whose statements are recorded, speak of seeing applicant entering or coming out of the house of deceased that day. Investigation is said to

be over and chargesheet is filed in August, 2024 itself. Charge is not yet shown to be framed. Therefore, future course of trial is apparently uncertain. To avoid long pre-trial incarceration with above quality of evidence, relief as prayed deserves to be granted. Hence, following order is passed. :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Subhash S/o Balchand Pardeshi be released on bail in connection with Crime no.0058 of 2024 registered with Fattepur Police Station, Dist.Jalgaon 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