



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 428 OF 2025

- 1) Bhagwan Limbaji Kharat
Age: 35 years, Occu.: Agriculture,
R/o. Thenge Wadgaon,
Tq.Mantha, Dist.Jalna.
- 2) Kisan @ Kishor Balasaheb Borade
Age: 31 years, Occu.: Agriculture,
R/o. Balaji Galli, Mantha,
Tq.Mantha, Dist.Jalna.

....Applicants
(Accused no.3 & 4)

Versus

- 1) The State of Maharashtra
Through Officer Incharge,
Police Station, Mantha,
Dist.Jalna.
- 2) The Superintendent of Police
Jalna, Dist.Jalna.

.....Respondent

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Advocate for Applicants : Mr. Sudarshan J. Salunke
APP for Respondents: Mr.V.M.Jaware

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 2 APRIL, 2025

ORDER :

1. Applicants seek grant of regular bail on account of their arrest in crime no.0040 of 2025 registered at Mantha Police Station, Dist.Jalna for offence under Sections 108, 115(2), 352, 3(5) of the Bharatiya Nyaya Sanhita (BNS).

2. Learned counsel submitted that applicants are arrested in above crime on 02-02-2025. That, they are falsely implicated. That, deceased Vilas, present applicants and two other persons have good acquaintance with each other. That, they had consumed liquor and under influence of liquor, there was some quarrel. He pointed out that, there was allegation of slapping and giving fist blows by one Ravi and by getting annoyed of same, deceased Vilas committed suicide. That, no role of abetment, instigation or even slapping is attributed to applicants. He pointed out that, out of four accused, two accused are already granted bail. That, investigation is over and chargesheet is already filed on 29-03-2025. Therefore, when no further recovery or discovery is to be made, learned counsel questions continue custody of applicants as much more time is required for conclusion of trial.

3. Learned APP opposed application on the ground that applicants were present with deceased Vilas at the time of consumption of liquor. That, there was dispute. That, there are allegations of slapping and giving fist blows. That, applicants were in the last company of deceased. Learned APP also took this Court through the order of learned trial Court as well as papers in

chargesheet and would submit that there is possibility of murder and it is not a case of suicide as it is apparently shown. Learned APP submits that Diatom test is conducted and report of the same is awaited. For all above reasons, he strongly opposed bail application.

4. Heard. Perused the papers. FIR dated 02-02-2025 at the instance of Kailas Ankushrao Dhumal is visited. He has reported that on 25-01-2025 his brother Vilas left house for agricultural labour work but as usual he did not return in the evening. He even did not return in the morning of 26-01-2025. Therefore, father of informant questioned friend of Vilas namely Bhagwan Kharat. Informant's father was told by Bhagwan that on 25-01-2025 at around 09:00 p.m., he, Vilas and their other friends namely Ravi Gaikwad, Subhash Kharat, Kishor Borade took meals in a hotel at Mantha wherein there was some minor quarrel. The matter was subsequently resolved. He has further learnt that in consequence to said aforesaid incident accused Ravi has slapped and given fist blows to Vilas at Talani Phata. . Therefore, Vilas was searched for in the vicinity and initially missing was lodged. It is further informed by informant that on 01-02-2025, informant learnt from Rameshwar Namdeorao Kulal that dead body of Vilas was floating in the well and therefore, Ravi

Gaikwad, Subhash Kharat, Bhagwan Kharat, Kishor Borade are named and held responsible for abetment to commit suicide. On above FIR, applicants are said to be arrested. Apparently, on the basis of above FIR, crime is registered for offence under aforesaid Sections.

5. As learned APP was assertive that it could be a case of murder, this Court perused the chargesheet, but even in the chargesheet there is no material suggesting or supporting such assertion of learned APP. Two of the accused are said to be released on bail. *Prima facie* allegations of slapping and giving fist blows are attributed against accused Ravi Gaikwad and not against present applicants. Now, chargesheet is filed. For what purpose further custody of applicants is required is not made known to this Court. Process of trial is uncertain as matter is not shown to be committed or charge to be framed. Considering above allegations, relief as prayed deserves to be granted. Hence, following order is passed. :

ORDER

- (i) Bail Application is allowed.

(ii) Applicant nos.(1) Bhagwan Limbaji Kharat and (2) Kisan @ Kishor Balasaheb Borade be released on bail in connection with Crime no.0040 of 2025 registered with Mantha Police Station, Dist.Jalna on executing Personal Bond of Rs.20,000/- each with one surety in the like amount each.

(iii) Applicants shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE