



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 225 OF 2025
WITH
CRIMINAL APPLICATION NO. 913 OF 2025

Santosh S/o. Vitthal Kalambe,
Age : 55 years, Occu. : Agril.,
R/o. Dahipuri, Tq. Ambad,
District Jalna.
(At present the applicant is in
Central Prison, Beed)

... Applicant

Versus

The State of Maharashtra,
Through Police Station Officer,
Police Station Chaklamba,
District Beed.

... Respondent

.....

Mr. M. P. Kale, Advocate for Applicant.
Mr. P. K. Lakhotiya, Advocate for Respondent – State.
Mr. Bhaskar L. Dhas, Advocate for Informant (Asst. to PP) in
Cri.Appln.913/2025.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 11 MARCH, 2025

PRONOUNCED ON : 13 MARCH, 2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in Crime No. 0204 of 2024 registered at Chaklamba Police Station, District Beed for the offence punishable under sections 103(1) and 3(5) of Bharatiya Nyaya Sanhita (BNS).
2. Criminal Application No.913 of 2025 is allowed. The original complainant is permitted to assist the learned A.P.P.

3. Urging for bail learned counsel for applicant submitted that applicant is arrested on 16.07.2024 regarding alleged occurrence dated 15.07.2024 and that FIR is after a days' delay. That, there are allegations of assault by means of stick and such allegations are against four persons, but their roles are not crystallized. That, alleged incident is said to be in revenge of previous murder. That, investigation is over and charge sheet is filed in October 2024 itself. That, no further recovery or discovery is shown yet to be caused. That, other co-accused namely, Shrikant, Harshad and Rajendra are released on bail by this court by order dated 21.01.2025 and 30.01.2025, respectively. That, bail orders are placed on record. Therefore, on the ground of parity also learned counsel seeks grant of bail.

4. Learned APP opposed on the ground that, there is merciless beating to deceased, who is mother of informant and has suffered as many as 17 injuries on various parts of the body including vital organ and precisely this further resulted into acute renal failure was on the lower abdomen of deceased, who was around 55 years of age. Learned APP opposed on the ground that present accused is main accused and he to be instrumental about episode.

5. Perused the papers. FIR dated 16.07.2024 is at the instance of Sandip Kokate and its substance is that, while he was in his hospital around 9:00 a.m. on 14.07.2024, he received phone call from his father informing his wife had consumed poison and she is vomiting. He claims to have rushed home by closing his clinic, but on the way he claims to have met his father and shifting his wife to Beed for treatment. He further claims that in civil hospital his wife declared dead, and therefore, he made telephone call to his in-laws to inform about the incident, but there was no response and so he telephoned one Bhausahab Pawal. He claims that after short while, his in-laws Santosh Kalambe, Shrikant Kalambe, Harshad Kalambe and Rajendra Kalambe came to the civil hospital, committed ruckus and threatened to take revenge of death by death. He claims that, out of fear he kept his father in another room and shortly thereafter saw above named persons proceeding in a Bolero vehicle. Thereafter, he had talks with his mother and assured her about their safety and spent night in the hospital. Next day he claims to have tried to contact to his mother, but as she was not responding, he requested one Narayan More to visit his house and he reported that as there was no response to the knock given to the door as house being locked and bolted from inside, he peeped from the window and saw his mother and sister

lying on the floor. He claims that, his sister was found unconscious, but mother was not responding. After water was sprinkled on his sister Usha, she gained consciousness and reported about his in-laws beating his mother and sister. His mother, on examination is declared dead and hence he lodged above report.

6. Admittedly, there is no direct eye witness, but crucial evidence is of Ushabai, who is sister of informant and who was said to be in the company of deceased mother. Her statement is recorded by police and on going through the same she has named Santosh, Shrikant, Harshad and Rajendra coming to the house to inquire girl child Komal and thereafter when they were informed that she was sleeping with her mother, they went there and beat her mother as well as beat her, as a result of which, she fell unconscious and does not remember further events.

7. Case of prosecution is that, four persons beat deceased by stick. One stick is shown to be recovered at the instance of present applicant under section 185 of BNS from the vehicle, which is also already seems to be seized. P.M. report shows that, deceased Kuntabai suffered multiple contusions and abrasions and death is attributed due to acute renal failure due to multiple contusions.

8. This court after hearing both sides, has granted bail to other co-accused by orders dated 21.01.2025 and 30.01.2025. Four persons are apparently named, but one stick is shown to be recovered. Precisely taking the same into account, other accused are granted bail and as present applicant like others is behind bars since almost eight months and when no further recovery or discovery is shown to be made, on the ground of parity, present applicant also succeeds. Hence, I proceed to pass the following order:-

ORDER

- (i) Application is allowed.
- (ii) Applicant Santosh S/o. Vitthal Kalambe be released on bail in connection with Crime No.0204 of 2024 registered with Chaklamba Police Station, District Beed on executing P.B. of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not enter in the vicinity of Jodwadi village, Tq. Georai, Dist. Beed till conclusion of the trial.
- (v) Criminal Application No. 913 of 2025 is disposed off.

(ABHAY S. WAGHWASE, J.)