



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

**BAIL APPLICATION NO. 492 OF 2025
WITH
CRIMINAL APPLICATION NO. 1416 OF 2025
IN BA/492/2025**

Kashinath S/o Purbhaji Kadam
Age; 45 years, Occu.: Agril.,
R/o. Shelgaon, Tq.Umari,
Dist.Nanded.

....Applicant

Versus

The State of Maharashtra
Through Investigation Officer,
Umari Police Station,
Dist.Nanded.

.....Respondent

.....

Advocate for Applicant : Mr. Dhananjay M. Shinde
APP for Respondent : Ms.Vaishali S.Chaudhari
Advocate for assist to PP : Mr.Parikshit S.Mantri

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 29 APRIL, 2025

PRONOUNCED ON : 30 APRIL, 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in crime no.0023 of 2024 registered at Umari Police Station, District Nanded, for offence under Sections 302, 307, 504, 506 of the Indian Penal Code (IPC).
2. Criminal Application No.1416 of 2025 is filed by the informant seeking permission to assist Public Prosecutor. For the reasons

mentioned in the application, Criminal Application No.1416 of 2025 is allowed. Informant is permitted to assist the learned Public Prosecutor.

3. It is submitted that applicant is arrested in above crime on 13-01-2024 and he is behind bars since more than one year. That, there are allegations of assault by stone. That, there is single injury. That, alleged occurrence, which took place on the spur of moment, was outcome of minor quarrel of using field for answering call of nature. Learned counsel pointed out that after the injury, deceased was admitted and treated, but he was got discharged against medical advice and he allegedly died after one month. According to learned counsel, in view of nature of allegations, case would not attract offence under Section 302 of the IPC and at the most, it would attract offence under Section 326 or 304 Part (II) of the IPC. That, now chargesheet is filed in April, 2024. That, whatever was to be recovered and discovered is already effected. That, course of trial is uncertain. As applicant is ready to abide by all and any conditions imposed by this Court, bail is urged for.

4. Learned APP opposed application on the ground that there are two independent eye witnesses. That, their statements are recorded

under Sections 164 of the Code of Criminal Procedure. That, deceased died due to head injury. That, stone is seized along with blood stained clothes of applicant. Therefore, in view of serious offence of murder, bail is opposed.

5. Heard. Perused the FIR dated 13-01-2024 at the instance of Parmeshwar Uttam Kadam, who reported that on 11-01-2024 when he went to answer call of nature, he heard shouts and he claims to have seen that his uncle namely Namdeo Bhaurao Kadam was assaulted by Kashinath i.e present applicant with stone on the head. He claims that, when he intervened, he heard present applicant issuing threats to kills saying that thereafter his uncle will not come towards his field to answer call of nature and threats were also issued to informant, if he intervenes. Informant's uncle was taken to hospital and admitted and was reported to be unconscious. On above report, crime has been registered.

6. Papers show that there are statements of witnesses like Manik @ Sainath Balaji Kadam and Antaji Pundlik Kadam, who have also reported about seeing assault. Papers show that injured Namdeo Kadam succumbed to the head injury and cause of death is "Septicemia in a case operated for head injury".

7. Therefore, as pointed out, incident seems to be a fall out due to use of field of applicant for answering call of nature. Stone is allegedly used for hitting on the head. Death is almost after a month. Investigation is now over and chargesheet is filed in April 2024. It is not made known to this Court whether the case is committed and charge is framed. Therefore, as the course of trial is uncertain, relief as prayed deserves to be granted. Hence, the following order :

ORDER

I. The application is allowed.

II. Applicant be released on bail in connection with Crime No.0023 of 2024 registered at Umari Police Station, District Nanded, on executing Personal Bond of Rs.25,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not enter the vicinity where informant, his family resides, till conclusion of trial, except for attending marriage of his son i.e. on 09-05-2025 and 10-05-2025.

[c] Criminal Application No.1416 of 2025 is disposed of.

(ABHAY S. WAGHWASE)
JUDGE