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

BAIL APPLICATION NO.512 OF 2025

Vijay S/o Punjaram Wagh,
Age: 26 years, Occ.: Agri.,
R/o. Chinchadgaon, Tq. Vaijapur,
Dist. Aurangabad.

... Applicant

Versus

The State of Maharashtra
Through Police Station Virgaon,
Tq. Vaijapur, Dist. Chh. Sambhajinagar.

... Respondent

.....
Mr. Chaitanya C. Deshpande, Advocate for Applicant
Mr. V.M. Jaware, APP for Respondent - State
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 17 APRIL 2025

PRONOUNCED ON : 21 APRIL 2025

PER COURT :-

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.0003 of 2025, registered with Veergaon Police Station, District Chhatrapati Sambhajinagar for offences punishable under Sections 103(1) r/w Section 3(5) of the Bharatiya Nyaya Sanhita (BNS).

2. Pointing to the date of arrest of applicant as 07.01.2025, learned counsel for the applicant submitted that, FIR is of

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06.01.2025. That, FIR is on hearsay information. That, no overtact is attributed to the present applicant. That, allegations of assault by stick to deceased are attributed to Popat Lahanu Wagh. Therefore, there is no involvement of the applicant in the crime. That, no recovery or discovery is to be made. That, entire case is based on circumstantial evidence. That, there is no eyewitness. That, investigation has progressed extensively. That, mere formality of filing the charge-sheet has to be remained. For all above reasons, learned counsel urges for grant of bail.

3. Learned APP opposed on the ground that, applicant is named in the FIR. That, present applicant and other accused are found to be involved in the offence. Learned APP fairly pointed out that, allegations of assault by stick are against Popat Wagh i.e. main accused No.2. That, role of present applicant is that, he was present at the scene and videographed the occurrence, and therefore, crime is registered by invoking Section 3(5) of BNS. For all above reasons, bail is opposed.

4. Heard. Perused the FIR. Informant Himmat Narayan Bhosale reported to the police that on 06.01.2025, at around 9:50 p.m., he received a call from the Sarpanch of village Chinchadgaon, informing him that his brother-in-law was lying

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in front of the temple. Therefore, he and his wife rushed to the spot, and the informant claims that he learnt there that Vijay Punjahari Wagh and Popat Lahanu Wagh had quarreled with Sunil Wagh. During the quarrel, it is alleged that Popat assaulted Sunil by stick. Informant reported that previously also there was a quarrel between his brother-in-law and Popat Wagh. Thus, FIR is on hearsay information. Postmortem report shows that deceased Sunil succumbed due to head injury. Submission made that no overtact is attributed to the present applicant is not refuted by the prosecution. However, bail is opposed on the ground that applicant was present there and he video-graphed the occurrence. Mobile is already said to be seized. When no overtact is attributed, obviously no recovery of weapon is to be seized, hence relief as prayed deserves to be granted. Hence, I proceed to pass the following order:

ORDER

- (i) Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0003 of 2025, registered with Veergaon Police Station, District Chhatrapati Sambhajnagar on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:

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- [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 attend the concerned police station twice in every week i.e. on every Thursday and Monday between 10:00 a.m. to 02:00 p.m. till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane