



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.666 OF 2025

Pintya Sildar Pawara,
Age : 28 years, Occu. : Labour,
R/o. Velkhedicha, Palazadipaa,
Tq. Dhadgaon, Dist. Nandurbar.

... Applicant

Versus

The State of Maharashtra,
Through Mhasawad Police Station.

... Respondent

.....
Mr. Suniket Anil Kulkarni, Advocate for Applicant.
Mr. V. M. Jaware, APP for Respondent – State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 08 MAY 2025

PRONOUNCED ON : 09 MAY 2025

ORDER :

1. Instant application is for regular bail on account of arrest of applicant in Crime No.0017 of 2025 registered at Mhasawad police station, Dist. Nandurbar for offence punishable under sections 103(2) and 238 of Bharatiya Nyaya Sanhita.

2. Pointing to the date of arrest as 07.03.2025, it is submitted that, there is false implication. That, three persons are made accused on account of death of one Balgar Rupsing Pawara. That, said deceased had gone missing since leaving the house on

20.01.2025. Missing report was lodged to that extent, followed by A.D. being registered and investigated. That, dead body was found in decomposed condition. He further pointed out that, there is no direct evidence. That brother of deceased had not raised any suspicion. That, subsequently theory has been developed that in the backdrop of applicant performing marriage with sister of daughter-in-law of deceased, present applicant falsely arrested and implicated. That, said episode is of two years prior to arrest and therefore, there is no foundation and bases to connect present applicant with the death of Balgar. He further pointed out that, investigation is almost over. Nothing incriminating either direct or circumstantial has surfaced as against present applicant. That, no article is recovered or discovered from him. That, there is delay of two weeks in lodging report. Thus, in the light of above, learned counsel urges for grant of bail on any conditions deemed fit by this court.

3. Learned APP opposes on the ground that, two witnesses, namely, Latabai and Khumanya had seen applicant and two non applicants in suspicious condition. They had issued threats to the witnesses to not to disclose. That, moreover investigation is in progress.

4. Heard. Perused the papers. As pointed out, it is emerging that, complaint is by police personnel posted at Mhasawad Police Station, who lodged report after conducting A.D. inquiry. Statement of Deelip Rupsing Pawara, who is brother of deceased is made basis of lodging report, wherein it has been informed that, wife of deceased approached Deelip and told him that her husband i.e. deceased, who was addict to liquor, had left the house in the morning of 20.01.2025 at 7:00 a.m. on the pretext of purchasing sugar, but had not returned. While search was being done, in the evening of 22.01.2025 dead body was found in the valley and it was duly reported to police on 23.01.2025. However, brother of deceased stated that, deceased was addicted to liquor and he use to leave the house for drinking. Deceased was found dead due to fall in the valley and his both limbs were broken. Therefore, police official reported that, based on AD inquiry, crime for murder of Balgar by unknown person for unknown reason by unknown weapon came to be registered.

5. Even statement of very wife of deceased is recorded on 23.01.2025 and she too in concluding part of the statement has stated that while returning home, her husband slipped and fell in the valley and died.

6. PM shows that cause of death is due to hemorrhage and shock injuries described in column no.17. Autopsy surgeon has opined probable time since death to be 72 hour to 120 hours.

7. As pointed, in letter dated 20.03.2025 issued by Mhasavad Police Station, reason of crime is ascribed as annoyance over deceased by present applicant for marrying sister of daughter-in-law of deceased two years back. Statements of Latabai and Khumnya are relied by the learned APP. Latabai's statement is apparently recorded on 10.02.2025 and it shows that, he claims that, one night when she, her father-in-law went to take round to their field, they had seen three persons carrying something like body of a person rapped in a cloth. She claims that, on closely watching said persons were Gajmal, Pintya and one unknown person. Similarly Khumanya claims that, after rituals were done, when he had been for grazing cattle, present applicant threatened him to not to disclose their name anywhere and else he would be eliminated.

8. Apparently, statement of these two witnesses are recorded almost after 2 to 3 weeks and there is no prompt reporting by either of them regarding whatever they have seen or heard. With such quality of material, though investigation is

incomplete and when further investigation can be carried out by securing the presence of the applicant, this court is inclined to grant bail. Hence, the following order is passed :-

ORDER

I. The application is allowed.

II. Applicant Pintya Sildar Pawara be released on bail in connection with Crime No.0017 of 2025 registered with Mhasawad police station, Dist. Nandurbar, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[c] The applicant shall attend the concerned police station every day between 10.00 a.m. to 2.00 p.m. and maintain personal diary of his attendance till filing of charge sheet and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)