



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 BAIL APPLICATION NO. 701 OF 2025

Najariya Subharam Kumariya

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Shridhar K. Kulkarni, Through Legal Aid
APP for Respondents: Mr. R.S. Wani

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 15th SEPTEMBER, 2025.

PER COURT :-

1. This is an application for granting regular bail under section 439 of the Code of Criminal Procedure, 1973 in connection with crime No. 151 of 2023 registered with Dharangaon police station, District Jalgaon for the offences punishable under Sections 302, 324, 323 and 504 of I.P.C.

2. The informant averred in the report that on 14.05.2023 at about 9.00 p.m. the applicant, under the influence of liquor, assaulted the brother of his wife with bricks on his head and the victim died thereafter. Therefore, the report was lodged against the applicant on the second day of the incident.

3. Learned advocate for the applicant submitted that it is not a

premeditated crime. The applicant has roots in the society. There is no criminal antecedents. The applicant will not flee away from the trial. Considering the fact that it is not preplanned murder, the applicant be released on bail.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and pointed out the report as well as the post mortem report of the victim of crime. He submitted that the applicant is addicted to liquor and there is possibility of commission of similar offence in future. If the applicant is released on bail, he may pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the report, post mortem report and the statements of eye witnesses. The incident took place when the applicant was under the influence of liquor. According to the World Health Organization (WHO), if anybody is addicted to liquor, it is a kind of mental illness. Therefore, treatment from psychiatric is necessary for such a person and if it is not possible, then keeping such person in isolation for years together is necessary. If the applicant is released on bail, there is possibility of commission of similar nature of crime on his part. He may pressurize the witnesses and tamper with the evidence. Considering the vices and

the nature of crime, the application deserves to be rejected. Accordingly, the application stands rejected.

6. The Legal services authority, Dharangaon, district Jalgaon is directed to provide financial assistance/relief to the wife of this applicant/accused under various schemes of the State Government, having power and authority with the Tahsildar. The Chairman of the Legal Services Authority is directed to call wife of the applicant, fill up the form and submit necessary documents to the Tahsildar, Dharangaon, district Jalgaon and provide financial assistance to her as she is the victim in crime.

(SANJAY A. DESHMUKH, J.)

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