



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

928 BAIL APPLICATION NO. 739 OF 2025

**VAIBHAV SUBHASHRAO THAMAKE
VERSUS
THE STATE OF MAHARASHTRA**

...

Mr. S. J. Salunke, Advocate for Applicant
Mr. R. S. Wani, APP for Respondent/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 16.09.2025

PER COURT :-

1. Heard.
2. This is an application for granting bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.263 of 2024 registered at Bori Police Station, District Parbhani, for the offences Punishable under Section 3(5), 352, 103(1) and 118(1)(2) of the Bhartiya Nyaya Sanhita, 2023.
3. The informant averred in the report that on 21.11.2024, he, along with Raosaheb Thamke, went to the cattle shed. At around 10.00 p.m., while he and Raosaheb were having dinner in the field, the applicant and one unknown person arrived there. The applicant said to the informant that you were saying, why do you come to my cattle shed? you are not supposed to come to the cattle shed. At that time, the applicant started abusing the informant. When the informant and

Raosaheb tried to convince the applicant, he did not listen to them. Instead, he picked up a stick lying nearby and struck it on the back side of his head. When Raosaheb tried to intervene in the quarrel, an unknown person along with the applicant held both hands of Raosaheb and the applicant struck Raosaheb forcefully on the head with the stick. As a result, Raosaheb sustained serious injuries, fell on the wooden cot and was unable to speak. The informant then ran towards the Village and returned with his brother Bhaskar and 5 to 6 villagers. At that time, Raosaheb was lying unconscious. The applicant and the unknown person ran away from the spot of incident. Thereafter, Raosaheb was immediately taken for treatment to the Civil Hospital at Bori. Due to the severity of his head injuries and his unresponsive condition, he was referred to the Civil Hospital at Parbhani and later to Ghati Hospital, Chhatrapati Sambhajinagar. The report was lodged on 22.11.2024 under Sections 3(5), 118(1)(2) and 353 of the Bhartiya Nyaya Sanhita, 2023 and during the treatment, injured Raosaheb died on 26.11.2024, hence, Section 103(1) of Bhartiya Nyaya Sanhita, 2023 came to be added in the crime.

4. The learned advocate for the applicant submitted that the incident took place all of a sudden. It was not a preplanned murder. It took place as a result of a quarrel, during which the applicant assaulted Raosaheb and the informant. The charge sheet has been filed and the further custody

of the applicant is not necessary. The trial will take long period. The applicant has roots in society and has no criminal antecedents. He lastly prayed to grant bail to the applicant.

5. The learned APP for the State strongly opposed the application and submitted that there is strong material against the applicant, as he is involved in a serious crime. There is direct evidence from the informant, who witnessed the applicant assaulting Raosaheb with a stick. The applicant's clothes having blood stains have been seized and the stick used in the assault has also been recovered. He submitted that if the applicant is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

6. Perused the charge sheet, particularly the statements of witnesses, the post-mortem report, and the seizure panchanama relating to the clothes of the accused and the stick. The incident appears to have occurred suddenly and was not a premeditated act of murder. The applicant has no criminal antecedents. The trial will take long period. The applicant has roots in society and he will not flee away from the trial. Considering all these aspects, without adverting to the merits of the case, this Court is of the view that a case is made out to grant bail on the principle that bail is the rule and jail is the exception. Therefore, the application deserves to be allowed subject to certain conditions. Hence, the following order:

::ORDER::

- I. The application is allowed.
- II. The applicant, in connection with Crime No.263 of 2024 registered at Bori Police Station, District Parbhani, for the offences Punishable under Section 3(5), 352, 103(1) and 118(1)(2) of the Bhartiya Nyaya Sanhita, 2023, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicant, except on the date fixed for hearing of the trial, shall not enter in village Nagthana, Taluka Jintur and District Parbhani, till the conclusion of the trial.

[SANJAY A. DESHMUKH, J.]

HRJadhav