



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

116 BAIL APPLICATION NO. 945 OF 2025

Chandrakant Namdev Nikam

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. More P. P.

APP for Respondents: Mr. K.K. Naik

Advocate for assist to A.P.P. : Mr. Sachin S. Panale

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

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 in connection with crime No. 483 of 2024 registered with Chakur police station, District Latur, for the offences punishable under Sections 103-1, 109, 118-2 and 352 r.w. 3(5) of the Bhartiya Nyay Sanhita, 2023.

2. Learned advocate for the applicant pointed out the report in which it is averred by the informant Pallavi Arjun Nikam that on 18.10.2024 at about 8.00 to 8.30 p.m. her husband Arjun went to Hanuman temple in the village. At that time, the applicant, his wife and two sons Gaurav and Krishna, quarreled with her husband, questioning him as to why the report was lodged against them. They started abusing him and then they went to their house and brought

sticks. The applicant and his wife caught hold the husband of the informant Arjun and sons Gaurav and Krushna started beating. The husband of the informant made hue and cry. Therefore, the informant went there. At that time, Jotiram Hanumant Nikam, Shrihari Vishwambhar Nikam and Balaji Shivaji Shinde rescued her husband from the clutches of the applicant and other accused. Her husband became unconscious. The persons gathered there took deceased Arjun to Sahyadri hospital at Latur. The C.T. scan was done and there was fracture to his skull. Therefore, report was lodged on the second day.

3. Learned advocate for the applicant submitted that there is earlier enmity between the applicant and the family of the informant. The applicant is falsely implicated in the crime. The applicant has not assaulted deceased Arjun by stick. The wife of the applicant Savita is already released on bail. Entire investigation is over and the charge sheet is filed. The custodial interrogation of the applicant is not necessary. It is not a case of murder but it falls in the category of culpable homicide. The trial will take a long period. The applicant is the only bread earner of the family. He pointed out the report as well as the N.Cs. registered on the part of the applicant's family as well as the informant's family frequently since 2021 till 2024. He submitted that the applicant is ready to abide that he will not enter into the

village till the conclusion of trial. The incident took place on 18.10.2024 and the Arjun died on 27.11.2024 i.e. after one month of the incident. He further pointed out the cause of death as due to “complications following head injury”. He pointed out the medical certificate as well as the post mortem report and submitted that only one injury was caused to Arjun by the stick. He lastly prayed to grant bail to the applicant.

4. Learned A.P.P. for the respondent-State assisted by Mr. Panale, learned advocate, has strongly opposed the application and pointed out the antecedents of the applicant. He pointed out that in the year 2021, the applicant attempted to commit murder of deceased Arjun. In the said case, he was released on bail. The applicant has misused the liberty. Learned A.P.P. further pointed out that non cognizable cases have been registered against the applicant and frequently the quarrels were going on between both the parties. He submitted that if the applicant is released on bail, there is possibility of commission of similar nature of crime on his part. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the report, injury certificate, post mortem report, statements of witnesses, earlier F.I.R. and the N.Cs. registered by both the sides against each other. The

incident took place on 18.10.2024. Admittedly, Arjun succumbed to injury on 27.11.2024 and stick was used in the assault. Four persons had assaulted on Arjun when he was alone. Though the cause of death is due to complication following head injury, the incident took place suddenly. The sticks were brought from the house to assault Arjun. The applicant is the father of two co-accused Gaurav and Krushna and husband of co-accused Savita, who has been released on bail. At the time of incident, the applicant was on bail granted to him in the offence registered under Section 307 of I.P.C. He has misused the liberty and if he is released on bail in this crime, the possibility of commission of similar offence, on his part, cannot be ruled out. Whether it is a matter of Section 304 of I.P.C. or Section 302 of I.P.C., is a matter of evidence and it will be decided on merits, after conducting full-fledged trial. If the applicant is released on bail, then certainly he will again misuse the liberty by pressurizing the prosecution witnesses. Considering all these reasons, the application deserves to be rejected. Hence, the following order.

O R D E R

The application is rejected.

(SANJAY A. DESHMUKH, J.)