



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

924 BAIL APPLICATION NO. 969 OF 2025

Balaji Tanaji Kale

VERSUS

The State Of Maharashtra

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Mr. P. P. More h/f. Mr. Rahul Pandhari Cheble, Advocate for Applicant
Mr. S. B. Narwade, APP for Respondents/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 19.09.2025

PER COURT :-

1. This is an application for grant of regular bail. Applicant is arrested in Crime No.192 of 2023 for the offences punishable under Section 302 of the Indian Penal Code, 1860 for commission of murder of his brother under the influence of liquor.

2. The learned Advocate for the applicant pointed out the report in which sister of this applicant averred that their brother Shivaji Kale was lunatic from his childhood, he frequently used to commit thefts in the village and involved in quarrels. On account thereof, entire family was facing the trouble since his childhood. Shivaji was behaving eccentrically under the influence of liquor. When the informant went for the delivery to her parental house, she noticed that Shivaji was committing theft of the mobile handsets, Soyabean crops etc. People were used to beat him and also tied his hands and legs. The neighbourers were quarreling with the family of

the informant and the applicant. Shivaji was frequently convinced by his family members but on the contrary under the influence of liquor he used to quarrel with the family members and used to assault them. On such occasions the Shivaji attempted to assault the applicant. However, the applicant was not acceding to their request and always used to tell that he would eliminate him. Informant further averred in the report that on 02.11.2023 at about 10.30 a.m. Balaji went to the farm. Balaji came back to home at about 6.00 p.m. and when he requested Shivaji to come to the home, he refused to come. That time, one Gangubai came to the house of the informant and said that Shivaji is trying to commit the theft of Soyabean crop from his farm. That time the applicant said that there are many complaints against the Shivaji, and now I will see him. He went outside of the house at about 8 p.m. and came back under the influence of liquor. Again he consumed the liquor. He said that I will go to the farm with the dinner tiffin and I will have dinner with Shivaji there. He proceeded to the agricultural land at about 8.30 p.m. Informant thereafter made phone call and asked as to whether they had dinner, applicant told that he had his dinner and Shivaji is having the food now. That time informant requested him not to say anything to the Shivaji. At about 11.30 Balaji came back to the house. Informant questioned him as to how he came back that time he said that there is cold therefore he came back and thereafter he

slept. Informant further averred that on 03.11.2023 at about 10 a.m. Balaji confessed that he assaulted Shivaji by an axe and he is no more. Thereafter all the family members rushed to the agricultural land. Thereafter report was lodged.

3. Learned Advocate for the applicant submitted that applicant is falsely implicated in the crime. He has roots in the Society. Trial will take long period. The investigation is over and the custody of the applicant is not necessary. It is lastly prayed to grant the bail to the applicant.

4. Learned A.P.P. strongly opposed the application and submitted that Applicant is involved in the serious crime of commission of murder of his own brother. There is evidence of extra judicial confession and if the applicant is on bail he will pressurize the prosecution witness and tamper the evidence. The blood stained clothes of the applicant as well as an axe is seized at the instance of the applicant under Section 27 of the Act. In such fact situation it is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the report and the post-mortem report as well as the statements of the witnesses. The incident took place during the night time on 02.11.2023 and the alleged extra judicial confession was made by the applicant on the second day of incident in the morning and report was lodged on that day at about 22.27 p.m. The applicant has no criminal antecedents.

He has roots in the society. Trial will take long period. Considering all these aspect the applicant deserves to be released on the bail on certain conditions on the principle that bail is rule and jail is exception. Application is allowed. Hence, the following order is passed :-

::ORDER::

- i. The application is allowed.
- ii. The applicant, in connection with Crime No.192 of 2023 registered at Shirur Anantpal Police Station, Taluka Shirur Anantpal, District Latur, for the offences punishable under Section 302 of the Indian Penal Code, 1860, be released on bail on furnishing personal bond of Rs.15,000/- 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.

[SANJAY A. DESHMUKH, J.]