



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1017 OF 2025

SHYAM SANJIV AAWALE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Ms. Tanvi V. Jadhav (Appointed)
APP for Respondents-State : Ms. R. R. Tandale

CORAM : SACHIN S. DESHMUKH, J.

Date : 8th December, 2025

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 17.06.2023 bearing Crime No. 378 of 2023 registered with Udgir Rural Police Station, for the offences punishable under Sections 302, 323 and 504 of the Indian Penal Code.

2. The prosecution case is that on 16.06.2023 at 9.00 pm, informant, her sister, brother and mother (deceased) were sitting in front of their house and were engaged in conversation with each other. At that time, nephew of Informant i.e. accused / applicant, who was under the influence of liquor, questioned the informant as to why she is residing there and hurled abuses. Realising this incident, the mother of informant (deceased) came to pacify the quarrel. The applicant picked up a wooden log lying there and

struck it on the head of mother of informant, due to which, she became unconscious. Eventually, succumbed due to the said injury.

3. The learned counsel for applicant submits that the applicant was arrested on 17.06.2023. Applicant has suffered incarceration for more than two years. There are no criminal antecedents against the applicant and the alleged blow was given without there being pre-mediation. In support of the submissions, the learned counsel for applicant has placed reliance on the **Pulicherla Nagaraju @ Nagaraja Reddy Vs. State of A. P. [(2006)11 SCC 444]**.

4. Per contra, the learned APP submits that the crime is serious in nature and there is sufficient material on record to establish the complicity of the applicant. Hence, prayed to reject the application.

5. Admittedly, the incident occurred at about 9.00 pm when the applicant was under the influence of liquor and had assaulted the deceased with a wooden log. The incident has occurred during the quarrel, i.e. heat of passion. During the said quarrel, the applicant picked up the wooden log lying nearby and hit the same to the deceased in the spur of the moment. Thus, there appears no pre-mediation on the part of the accused in absence of motive, case is made out for grant of bail.

6. Thus, in the light of the aforesaid aspects and considering the prolonged incarceration of the applicant pending trial, the further detention is unjustified. The applicant does not have any criminal antecedents and can be enlarged on bail by imposing stringent conditions.

7. The High Court Legal Services Sub-Committee, High Court Bench at Aurangabad, to pay the fees to the learned counsel appointed to represent the applicant, as per rules.

8. Hence, the following order :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant - Shyam Sanjiv Aawale be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 378 of 2023 registered with Udgir Rural Police Station, for the offences punishable under Sections 302, 323 and 504 of the Indian Penal Code, on the following conditions :-
 - (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

- (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi