



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1295 OF 2025

Pawan s/o Dhondbarao Aakhade

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Advocate for the applicant : Mr. D.M. Shinde a/w Ms. A.T. Gadge
A.P.P. for respondent: Mr. R.S. Wani
.....

CORAM : SANJAY A. DESHMUKH, J.
DATE OF RESERVING THE : 16.09.2025
ORDER
DATE OF PRONOUNCING : 30.09.2025
ORDER

PER COURT :-

1. This is an application for granting regular bail under section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 in connection with crime No.414 of 2024 registered with Goregaon police station, District Hingoli, for the offences punishable under Sections 103-1 and 238 r.w. 3-5 of the Bharatiya Nyay Sanhita, 2023.

2. The informant averred in the report that his brother-Kisan is having two sons, Haribhau and Shivaji. Haribhau is married and

Shivaji was unmarried. Haribhau and Shivaji were frequently quarreling with each other. Haribhau was addicted to liquor. He thought that if Shivaji was not there, he would have inherited the entire property. Haribhau drank heavily and often quarreled with Shivaji. Haribhau was telling Shivaji that he is younger than him and questioned how he was handling the entire transaction of agricultural land. Having said that, Haribhau did not allow Shivaji to do anything. Haribhau was threatening to kill him. He was saying that he would not allow him to get married. He said he would see how the marriage would take place, and even if he got married, he would not allow him to take a share in the agricultural land. He was insisting him to go anywhere. The informant came to know that on 12.12.2024 Shivaji went to the farm but did not come back. The informant questioned Haribhau, saying that they had both gone to lay the pipeline, and asked where Shivaji was. Haribhau replied that Shivaji had told him he was going to the cow pen but did not return, and told him not to ask about his whereabouts. The informant and the villagers searched for Shivaji, but he was not found.

3. On 14.12.2024 at around 12.00 noon, the informant came to know that Haribhau had gone to the Goregaon Police Station and confessed that, in order to grab the entire agricultural land of Shivaji, he had called Shivaji to the well of the applicant, Pawan Aakhade.

Haribhau and the applicant consumed liquor there. When Shivaji arrived with a spanner and was standing near the motor, working on the nut and bolt, Haribhau caught hold of his neck from behind. The applicant held his legs. However, Shivaji continued to breathe, so Haribhau picked up a stone and repeatedly struck him on the neck until he died. Both of them killed Shivaji and buried his dead body in a nearby nala (drain). Haribhau then told the police to accompany him so he could show them the location. Accordingly, he led the police to the spot. Co-accused Haribhau pointed out the place, and upon exhumation, Shivaji's dead body was recovered. A report was then lodged against the applicant and co-accused Haribhau on 15.12.2024.

4. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. He has roots in the society. He will not flee away from the trial. The trial will take a long period. The charge sheet is filed. The further custody of the applicant is not required. It is lastly prayed to grant bail to the applicant.

5. Learned A.P.P. for the State strongly opposed the application and submitted that the applicant and co-accused have committed murder of Shivaji. The applicant's role is specified in the report and though the confessional statement of the accused is not admissible,

the conduct of the co-accused Haribhau reporting to the police is admissible. It is lastly prayed to reject the application.

6. Perused the charge sheet, particularly the report, post mortem report and the statements of witnesses. The applicant has no criminal antecedents. He has roots in the society. The applicant will not flee away from the trial. The trial will take a long period. Considering all these aspects, the application deserves to be allowed on the principle that bail is rule and jail is exception. Hence the following order:-

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No.414 of 2024 registered with Goregaon police station, District Hingoli, 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 shall not enter in the village Shegaon Khodke, Tq. Senggaon, District Hingoli, till the conclusion of the trial.

(SANJAY A. DESHMUKH, J.)