



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

BAIL APPLICATION NO. 1310 OF 2025

ISHWAR DITYA VASAVE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mrs. Rutuja Jakhude

APP for Respondent/State : Mr. V.M. Kagne

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CORAM : MEHROZ K. PATHAN, J.

DATE : 3rd NOVEMBER 2025

PER COURT :

1. The Applicant has filed the present application, thereby praying for grant of bail in connection with Crime No.114/2025 registered at Akkalkuwa Police Station, District Nandurbar for the offences punishable under Sections 103(1), 238, 3(5) of Bhartiya Nyaya Sanhita, 2023.

2. The allegation against the present Applicant is that he was staying alongwith his son and daughter-in-law at village Mandara, Taluka Akkalkuwa, District Nandurbar in the agricultural field which is situated one kilometer away form the village. It is the allegation that the Applicant was having illicit relationship with his daughter-in-law who also happens to be the accused no.2 in the present crime and it is on that reason that the Applicant has committed the murder of the deceased with the assistance of the wife of the deceased. It is alleged in the First Information Report (FIR) that the Applicant

falsely claimed the son had died of natural causes, specifically a heart attack. However, during the inquest panchanama and the postmortem examination, scratch marks were found on the neck of the deceased. Consequently, the complainant suspected that the death was homicidal and filed an FIR, alleging that the Applicant and the wife of the deceased had committed murder.

3. It is the submission of the Counsel for the Applicant that the Applicant is arrested merely on suspicion, as there is no direct evidence against the present Applicant. The allegations in the FIR are a figment of the imagination of the wife of the present Applicant, who has already admitted of having matrimonial disputes with the Applicant and has been living separately from the family. The Counsel for the Applicant further submits that the statements of the child witnesses are tutored and, therefore, cannot be relied upon. It is further submission that even on the basis of the statement recorded during the course of investigation, it would be revealed that the Applicant has made an attempt to save the life of the deceased and as such the allegations are all made by the complainant only to take revenge against the Applicant against whom she was having matrimonial dispute.

4. As against this, the learned APP has strongly opposed the present application for grant of bail. It is the contention of the learned APP that the Applicant was the only adult male, residing in the agricultural field situated near the village alongwith the

deceased. The deceased was found dead under mysterious circumstances, which can be considered an unnatural death. The postmortem report clearly shows various injuries in column no. 17 and the provisional cause of death certificate issued by the concerned doctor shows that there was evidence of abrasions over neck with decomposition. The learned APP therefore submits that the Applicant has committed a cold-blooded murder by hatching a conspiracy along with the co-accused, who is the wife of the deceased. It is his submission that the 164 Cr.P.C. statements of the child witnesses also corroborate the said fact as narrated by them in their 161 Cr.P.C. statements recorded during the course of investigation. He therefore submits that merely because the Applicant has been arrested from 26.03.2025, the same cannot be a ground for release of the Applicant. It is his submission that the wife of the deceased is alleged to have illicit relationship with the Applicant. The present incident is an outcome of the conspiracy hatched by the Applicant alongwith the other co-accused and as such he may not be released on bail, as the present crime is serious in nature and is punishable with life imprisonment or death.

5. I have gone through the entire charge-sheet. After going through the charge-sheet, it could be seen that initially on the date of incident that is on 24.03.2025, an accidental death was reported on the complaint of one Karan Vasave who has stated that the Applicant had called upon the villagers to help him out as the deceased Suklal was not responding after initially complaining of chest pain. After the

initial registration of the AD No.9/2024 on 24.03.2025, the inquest panchanama, spot panchanama and the postmortem report was conducted even before registration of the FIR. The FIR finally came to be registered on 24.03.2025 as there were scratch marks on the neck and the chest of the deceased which were found during the postmortem. The complainant therefore alleged that the Applicant and the wife of the deceased could have committed murder of the deceased.

6. It could be seen that the complainant herself has admitted in the FIR about the matrimonial dispute against the Applicant and that they were not residing together being husband and wife. The Applicant was residing with his son, daughter-in-law, and the two child witnesses in an agricultural field situated near the village. There is no direct evidence to implicate the present Applicant, however the prosecution has relied upon the circumstantial evidence and the eye-witnesses statements of the child witnesses recorded under Section 161 Cr.P.C. as also under Section 164 Cr.P.C.

7. Apart from the above, the learned APP has also relied upon the injuries as stated in column nos. 17 and 20, however the final opinion of cause of death is not stated in the postmortem report. Looking to the fact that the Applicant was residing alongwith the son and the other co-accused i.e. daughter-in-law in the agricultural field, as there were matrimonial disputes between the complainant and the Applicant. The statements of the witnesses indicate that the Applicant

made every attempt to save the life of his deceased son by visiting their residences. An arguable case for the grant of bail is therefore made out, as the Applicant has been behind bars since 26.03.2025. Further incarceration may not be necessary, especially if the charge sheet has already been filed and there is no scope for tampering with the evidence. Hence the following order :

ORDER

- (a) The Bail Application is allowed.
- (b) Applicant - Ishwar Ditya Vasave, be released on bail on furnishing P.B. of Rs.50,000/- (Rupees Fifty Thousands) with solvent surety of the like amount, in connection with Crime No.114/2025 registered with Akkalkuwa Police Station, District Nandurbar for the offences punishable under Sections 103(1), 238, 3(5) of Bhartiya Nyaya Sanhita, 2023, on the following conditions:
- (i) The Applicant shall not enter village 'Mithyafali' Taluka Akkalkuwa, District Nandurbar and shall not threaten the prosecution witnesses, particularly the child witnesses who have recorded their statements against the present Applicant.
- (ii) A single incident of threatening prosecution witnesses would entitle the prosecution to seek cancellation of bail of the present Applicant on that ground alone.
- (c) The Bail Application stands disposed of accordingly.

MEHROZ K. PATHAN
JUDGE