



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

33 BAIL APPLICATION NO. 1364 OF 2025

Mahendra Kundlik Jadhav.

... Applicant

Versus

The State of Maharashtra.

... Respondent

...
Advocate for Applicant : Ms. Sangeeta Hiralal Desarda. (Through Legal Aid)

APP for Respondent / State : Mr. R. S. Wani.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 06th October, 2025.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C."), for grant of regular bail in connection with Crime No.8 of 2024, registered with Basamba Police Station, District Hingoli, for the offences punishable under Sections 302, 323, 504, 506, 201 and 120-B read with 34 of the Indian Penal Code, 1860.

3 The learned counsel for the applicant pointed out the report in which the informant averred that the applicant is his brother. The applicant was serving as a warden in the hostel of Sengaon. He had a habit of playing gambling games. He was having illicit relationship with the co-accused. He was frequently demanding money from his parents for the said habits. He was frequently harassing them and on the day of incident, he beaten his parents and brother, committed their murder and made phone call to the informant and told him that all of them met with an accident and died. When the informant went there and the three dead persons were taken to the hospital, it was revealed that the applicant committed their murder. Therefore, the report was lodged.

4 The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. The applicant has roots in the society and he will not flee away from the trial. The trial will take a long period. The applicant has no criminal antecedents. It is lastly prayed to allow the application.

5 The learned counsel for the applicant relied upon the following two authorities:

- a) ***Dataram Singh Vs. State of Uttar Pradesh and another, (2018) 3 Supreme Court Cases 22***, in

which it is held that, there is need of humane approach while dealing with the application for bail etc. with overcrowding in jail.

- b) ***Sanjay Chandra Vs. Central Bureau of Investigation, (2012) 1 Supreme Court Cases 40***, in which it is held that, the Court has to balance the compelling factors.

6 The learned APP for the State strongly opposed the application and submitted that the applicant has committed the murder of his parents and brother and thereafter made show that they met with an accident. The applicant is involved in the serious crime of three murders. He is addicted to bad vices such as gambling and other immoral activities. Considering the serious nature of the crime, if the applicant is released on bail, he will certainly pressurize the prosecution witnesses and tamper the evidence. It is lastly prayed to reject the application.

7 Perused the charge-sheet, particularly, the report (FIR) and the postmortem reports of the parents and the brother of informant.

8 The applicant has been arrested in connection with a serious crime involving the murder of three persons i.e. parents and

brother. He is addicted to the bad vices. If he is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. In such circumstances, the application deserves to be rejected as no case is made out for granting bail to the applicant on the principle that bail is rule and jail is exception. The bail application is rejected.

9 The learned Trial Court is directed to conclude the trial as expeditiously as possible. However, it is clarified that if any case is earlier expedited either by the Honourable Supreme Court or this Court, then the Trial Court is directed to conclude those cases first and then this case.

[SANJAY A. DESHMUKH, J.]

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