



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 BAIL APPLICATION NO. 1365 OF 2025

Rohidas Vitthal Nirmal

VERSUS

The State of Maharashtra And Another

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Advocate for Applicant : Mr. Salunke Sudarshan J

APP for Respondents: Mr. R.S. Wani

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 25th SEPTEMBER, 2025.

PER COURT :-

1. This is an application for granting regular bail under section 483 of Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023 in connection with crime No. 267 of 2022, registered with Neknoor police station, District Beed for the offences punishable under Sections 302, 307, 324, 109, 115 and 326 of I.P.C.

2. It is averred in the report that the applicant assaulted four persons by sickle and one of them died. Accordingly, a crime was registered and the applicant came to be arrested in the said crime.

3. Learned advocate for the applicant submitted that though the applicant committed one more offence under Section 307 of I.P.C. by assaulting the investigating team while they were proceeding to seize

the blood stained clothes at his instance, at that time, the applicant assaulted the police and the police jeep turtled. The panchas and police staff, including the driver of the police jeep sustained serious injuries. Therefore, the offence under section 307 of I.P.C. came to be registered against the applicant. The applicant is suffering from mental illness. He is being treated by the psychiatrist at the civil hospital, Beed. He submitted that for treatment purpose, he may be released on bail.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is booked for serious offence. The charge is framed. The applicant had threatened to commit the crime again and he also assaulted the police team during the investigation of this case. He has been treated with medical treatment. There will be danger if he is released on bail. The applicant has roots in the society. He may not be available for trial. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the report and papers of medical treatment. It appears that the applicant is treated by the Psychiatrist from the date of his arrest. Though learned advocate for the applicant is relying upon the law laid down by the ***Jammu & Kashmir and Ladakh High Court in bail application No. 196 of***

2023 (Shenaz Begum through Abdul Mazeed vs. Union Territory J. and K. and another), decided, 22.11.2024, it appears that the applicant in the said case was suffering from schizophrenia and he was released on bail. Here in the present case, the applicant is suffering from mental illness and if he is released on bail, certainly, he will commit similar nature of crime because of his mental illness. Therefore, he cannot be released on bail.

6. Learned advocate for the applicant submitted that procedure under Section 328 of Cr.P.C. is not followed by the trial court. In this regard, learned advocate for the applicant is directed to submit the application before the trial court as per the provisions of law. Hence, the following order.

O R D E R

Application is rejected.

(SANJAY A. DESHMUKH, J.)

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