



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

901 BAIL APPLICATION NO. 1370 OF 2025

**ABHIJIT VINOD SITAPE
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. V. D. Sapkal, senior advocate i/b Mr. Sandip R. Sapkal a/w Mr. Y.R. Jadhav, Advocate for Applicant
Mr. N. B. Patil, APP for Respondent/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 22.08.2025

PER COURT :-

1. This is an application for granting bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No.0293 of 2025 registered with the MIDC Latur police station, District Latur, for the offences punishable under Sections 103, 109, 115 and 352, 351(2) of the Bhartiya Nyaya Sanhita, 2023. His application bearing criminal bail application No. 335 of 2025 with similar prayer came to be rejected by the learned 2nd Additional Sessions Judge, Latur, vide order dated 4.7.2025.

2. The informant is the mother of deceased Shantanu. It is averred in the report that she was informed over the phone that her son, Shantanu, had sustained injuries during a quarrel and had been admitted to Patil Hospital, Latur. She immediately went to the hospital and saw

that her son was lying unconscious. She then inquired with one Anil Bagalgawe, an eye witness, who stated that on 12.04.2025 at about 09:30 P.M. near Hotel Kanhaiya, in front of Tuljai pan shop, there was quarrel between the applicant and one Dnyaneshwar Bhosle. The said Anil and Shantanu had gone to intervene in the quarrel. At that time, the applicant questioned them as to why they had come to resolve the dispute. The applicant then started abusing and assaulting them. When the deceased tried to run away from the spot, the applicant picked up a brick lying on the ground and threw it at Shantanu, which hit him on the left side of his head. As a result, Shantanu sustained serious head injuries and collapsed. He was admitted to Patil hospital, where he was treated for four days. However, he succumbed to the injuries. Thereafter, the informant lodged the report.

3. The learned counsel for the applicant submitted that the incident took place all of a sudden, without any pre-planning or premeditation. There was no prior rivalry between the applicant and the deceased-Shantanu. The applicant was not holding any weapon at the time of the incident. He further submitted that the applicant is a first year B.Com student and has no criminal antecedents. He further submitted that considering the factual situation of the case, particularly the applicant had no such motive to commit offence resulting into death, bail may be granted

to the applicant.

4. The learned APP strongly opposed the application and submitted that the applicant is involved in a serious crime of murder. He assaulted Shantanu on his vital part i.e. head, and the deceased succumbed to the head injury. As per the post-mortem report, the cause of death was due to the head injury. The APP further submitted that there is a possibility that the applicant may pressurize the prosecution witnesses. Therefore, he prayed for rejection of the bail application.

5. From the perusal of the report and the statements of witnesses, it is very clear that applicant was not having any motive in his mind to commit the offence and the incident took place in a heat of the moment. Although the injury was inflicted on a vital part of the body, considering the age of the applicant, the nature of the incident and the overall circumstances, it does not appear to be premeditated act of murder that would not have within the definition of murder. Therefore, part II of Section 304 of the Indian Penal Code may attract, which deals with culpable homicide not amounting to murder for which punishment is 10 years. Considering all these aspects, the application deserves to be allowed. Hence, following order:

O R D E R

- I. Application is allowed.
- II. The applicant in connection with Crime No.0293 of 2025 registered with the MIDC Latur police station, District Latur, for the offences punishable under Sections 103, 109, 115 and 352, 351(2) of the Bhartiya Nyaya Sanhita 2023, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions.
- III. The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

[SANJAY A. DESHMUKH, J.]

HRJadhav