



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

902 BAIL APPLICATION NO. 1574 OF 2025

AMIT RAM ZENDE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. Satej S. Jadhav, Advocate for Applicant

Mr. S. B. Narwade, APP for Respondent/State

Mr. E. S. Murge, Advocate for the informant

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 09.09.2025

PER COURT :-

1. Heard.

2. This is an application for granting bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with crime No.250 of 2025 registered at Anandnagar Police Station, District Dharashiv, for the offences punishable under Sections 103(1) and 3(5) of the Bhartiya Nyaya Sanhita, 2023. The applicant's application being Bail Application No.319 of 2025 with similar prayer came to be rejected by the learned Additional Sessions Judge, Dharashiv, District Dharashiv vide order dated 29.07.2025.

3. The informant averred in the report that his father, Madhukar Kolage, was employed as a Salgadi, a yearly labourer, engaged in tending to the goats, sheep and buffaloes belonging to the applicant for the past seven months at village Sanja. It is further averred

that the applicant had paid an advance sum of Rs.50,000/- to the informant's father and an additional amount of Rs.10,000/- was to be paid to one Lallu Bansode, who had brought the deceased to Dharashiv for the purpose of labour. The informant further alleged that the applicant gave threats to him, stating that since his father had allegedly sold the goats and sheep belonging to the applicant, he would be required to pay an amount of Rs.1,50,000/-, failing which the applicant would not leave his father. A few days later, the applicant again contacted the informant and demanded an increased sum of Rs.2,50,000/-, again by issuing threats.

4. It is further averred that during telephonic conversations between the informant and his father, the applicant's son gave threats to the informant's father. The informant stated that approximately four months ago, he had visited to his father in person, that time his father informed him that he had taken an amount of Rs.60,000/- from the applicant and he was being subjected to severe hardship and physical assault by the applicant and his son, Rana Zende. The informant stated that one month prior, when he again met his father, he observed visible swelling around his father's eyes and ears. Upon enquiry, his father informed him that he had been assaulted by the applicant and his son using fists and a wooden stick. When the informant confronted the applicant about the said incident, the applicant allegedly threatened him as well.

5. On 11.07.2025, the informant received a phone call from Abhijit Patil, the Sarpanch of the village, who informed him that his father had been admitted to the Government District Hospital, Dharashiv, after being attacked by a bull/male buffalo and that he had succumbed injuries. Upon reaching the hospital, the informant observed that his father had sustained severe facial injuries with a laceration extending from the chin to the jaw. Additionally, injury marks were visible on his father's back and hands along with black and blue bruises suggestive of physical assault. It is the informant's case that the applicant and his son, having subjected his father to repeated acts of physical violence, ultimately caused his death. Therefore, on 12.07.2025, he lodged the FIR.

6. The learned advocate for the applicant submitted photographs of the applicant and pointed out the report from the jail doctor indicating that the applicant has more than 230 KG weight. He is suffering from obesity, heart disease and diabetes. He submitted that the applicant cannot stand on his own feet for more than five minutes continuously. In this situation, he argued that it would be practically impossible for the applicant to assault anyone and hence all the allegations made by the informant are false. He further submitted that the practical investigation is over and the trial will take long period. The applicant has roots in the society. He will not flee away from the trial. It is lastly prayed to grant bail to the applicant.

7. The learned APP for the State strongly opposed the application and submitted that the applicant is involved in a serious crime and has criminal antecedents. He submitted that the applicant is alleged to have murdered an aged person, a crime for which life imprisonment or death penalty can be awarded. If he is released on bail, there is possibility that the applicant may pressurize prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

8. Perused the documents of investigation, particularly the report and statements of witnesses. The case is based on circumstantial evidence. The learned APP pointed out a prescription dated 13.07.2023, wherein it is mentioned that the applicant's blood pressure was normal and there was no specific complaint. However, the recent medical opinion of the treating doctor, supported by photographs, confirms that the applicant is suffering from obesity (over 230 kg), skin disease and is not able to move independently. It would be extremely difficult for jail authorities to provide adequate medical treatment to the applicant if he is kept behind bar. The practical investigation is over and the trial will take long period. The applicant has roots in the society. He will not flee away from the trial. Considering the health condition of the applicant and the overall circumstances, a case is made out to allow the application on the principle that bail is the rule and jail is the exception. Hence, the following order:

::ORDER::

- I. The application is allowed.
- II. The applicant in connection with crime No.250 of 2025 registered at Anandnagar police station, district Dharashiv, for the offences punishable under Sections 103(1) and 3(5) of the Bhartiya Nyaya Sanhita, 2023, be released on bail on furnishing personal bond of Rs.25,000/- 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, except on the date fixed for hearing of the trial, shall not enter in village Keshegaon Taluka and District Dharashiv, till the decision of the Sessions Case.

[SANJAY A. DESHMUKH, J.]

HRJadhav