



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

976 BAIL APPLICATION NO. 1790 OF 2025

Kisan Digambar Deshmukh

... Applicant

Versus

1. The State of Maharashtra,
Through Office in charge,
Police Station Hingoli (Rural),
District Hingoli.

2. Superintendent of Police,
Hingoli, District Hingoli.

... Respondents

...

Mr. Sudarshan J. Salunke, Advocate for Applicant.

Mr. S. B. Narwade, APP for Respondents-State.

...

CORAM : SANJAY A. DESHMUKH, J.

DATE : 9th OCTOBER, 2025

P.C.:-

1. Heard learned Advocate for the Applicant and learned APP
for the Respondent-State.

2. This is an application for granting regular bail under Section
439 of Code of Criminal Procedure, 1973. The Applicant is arrested in
Crime No.0199 of 2024 dated 7th May 2024, registered with Hingoli
(Rural) Police Station, District Hingoli, for the offence punishable
under Sections 302 and 34 of Indian Penal Code.

3. It is awarded in the report that the daughter of the Applicant
was married with deceased-Santosh Saraf. She was having illicit

relationship with one-Manish Prakash Kalkoti. The quarrel took place between the deceased-Santosh and daughter of this Applicant. On the intervening night of 6th May 2024 and 7th May 2024, the incident took place in the house of this Applicant. The Applicant's son-Balu raised the quarrel with the Santosh Saraf, who is the husband of his sister. As Santosh was doubting her character and assaulted Balu in the matrimonial house. During the course of this altercation, Santosh died. Thereafter, the police were called and the weapon used in the incident was seized at the scene. The Applicant and co-accused were subsequently arrested following the lodging of the report.

4. Learned Advocate for the Applicant pointed out that as per the report and statement of the witnesses, Balu, who is son of the Applicant assaulted Santosh by an axe and it shows that Applicant has not assaulted the deceased-Santosh. He pointed out that his role is not established from the entire charge-sheet, that he actually assaulted Santosh. He submitted that Applicant has no criminal antecedents. Applicant will not flee away from the trial. The Applicant has roots in the society. The trial will take a long period. It is lastly prayed to grant the bail.

5. Learned APP for the Respondent-State strongly opposed the application and pointed out that an order passed by this Court in Bail

Application No.2034 of 2024 dated 8th January 2025, by which the application of the daughter of this Applicant was rejected, as she was on the spot at the time of the commission of murder of her husband. Considering the role of the Applicant and that incident took place in the house of the Applicant, the application deserves to be rejected.

6. Perused the charge-sheet, particularly the report, statements of witnesses, the post-mortem report of deceased and seizure panchanama of an axe and other articles. Considering the perusal of the report and statement of witnesses, it is clearly states that son of this Applicant assaulted Santosh Saraf, as there was quarrel between them on account of illicit relationship of the daughter of the Applicant. From the entire charge-sheet, role of this Applicant is not pointed out that he has assaulted to the deceased-Santosh by any other weapon. The Applicant is behind bar and Applicant has roots in the society. He will not flee from the trial and the trial will take a long period. It is a settled principle that bail is the rule and jail is an exception. Although the bail application of Jyoti Santosh Saraf, the daughter of the Applicant, was rejected, her role in the incident is different. Therefore, her rejection cannot be a ground to deny bail to the Applicant. Considering all these aspects, the application deserves to be allowed.

7. In view of the above, the application is allowed in the

following terms :

- a] The Applicant shall be released on bail in connection with FIR No.0199 of 2024 dated 7th May 2024, registered with Hingoli (Rural) Police Station, District Hingoli, on furnishing PR bond of Rs.50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
 - b] The Applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.
8. The application stands disposed of.

(SANJAY A. DESHMUKH, J.)