



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

950 BAIL APPLICATION NO. 2154 OF 2025

SANDIP DHOLYA CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

WITH
CRIMINAL APPLICATION NO. 4460 OF 2025 IN BA/2154/2025
(ASSIST TO APP)
SHASTRI CHOTYA KALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHERS

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Advocate for applicant : Mr. Dhanraj Ingole h/f. Mr. Suraj Tirse
Mr. G.B. Chate (Cri.Appln.4460/2025)
APP for the respondent – State : Mr. V.M. Chate
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 16 DECEMBER 2025

PER COURT :

The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 384 of 2025 dated 24.04.2025 registered with Kotwali Police Station, District - Ahilyanagar for the offences punishable under section 103(1), 189(2), 190 of the Bharatiya Nyaya Sanhita, 2023.

2. The applicant was arrested in relation to the incident dated 24.04.2025, wherein, on account of matrimonial dispute, a limestone was hit on the head of the victim – Vipul, who is son of the complainant,

which is the cause of his death, in relation to which FIR is registered under section 103(1), 189(2) and 190 of the BNS.

3. Learned counsel for the applicant submits that there was no motive on the part of the applicant. The incident has occurred at the spur of the moment. There are no criminal antecedents. It is further submission that the other accused, although are enlarged on default bail, entails the applicant to claim bail.

4. Learned APP along with the learned counsel for the complainant opposed the application. They submit that it was a pre-planned incident, wherein all the accused persons assembled, extended fist and kick blows to the deceased and even in the process hit the limestone on the head of the deceased - Vipul, resulting into his death.

5. Upon considering the submissions, perusal of the material on record, including the chargesheet, *prima facie*, indicates that there was prelude on account of matrimonial dispute. It prima facie appears that the incident has occurred at the spur of the moment and the limestone, which was lying at the spot, was used in the said incident, which cannot be said to have been done with motive on the part of the applicant. In any case, investigation is complete, as such, chargesheet is already filed and now nothing is to be recovered from the applicant. As such, request of the applicant warrants consideration.

6. Resultantly, the following order is passed :-

ORDER

(I) Application is allowed.

II) Applicant – Sandip Dholya Chavan, be released on regular bail upon furnishing P.R. bond in the sum of Rs.50,000/- (Fifty Thousand only) with one or two local solvent sureties in the like amount, in connection with Crime No. 384 of 2025 dated 24.04.2025 registered with Kotwali Police Station, District - Ahilyanagar for the offences punishable under section 103(1), 189(2), 190 of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

- (a) After his release from jail, the applicant shall report to the Investigating Officer as and when called for in writing.
- (b) The applicant shall attend the trial Court every month between 11.00 am to 1.00 pm. to mark his presence.
- (c) Applicant shall co-operate with the conduct of trial and attend trial Court on all dates unless specifically exempted and will not take any unnecessary adjournment.
- (d) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court.
- (e) The applicant shall not influence with any of the prosecution witnesses or tamper with the evidence, in any manner.

- (f) Before his actual release from jail, the applicant shall furnish his address where he propose to reside after his release from jail, to the concerned Police Station and also to the Trial Court.
- (g) In case of infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

7. Criminal Application No. 4460 of 2025 seeking permission to assist the learned APP, is allowed and disposed of.

8. Needless to state that the observations rendered herein-above are to the extent of consideration of the bail application and trial Judge may not get influenced by these observations and shall consider the case on the basis of evidence on record and in accordance with law.

[SACHIN S. DESHMUKH]
JUDGE

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