



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

BAIL APPLICATION NO. 2180 OF 2025

BABURAO BABRU PAWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shaikh Faisal Naseemuddin
APP for Respondent : Ms. R. R. Tandale
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 10-12-2025

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.I-89 of 2023 registered with Paranda Police Station, Taluka Paranda, District Osmanabad, dated 05.04.2023, for the offences punishable under Section 302 of the Indian Penal Code. The applicant was arrested on 05.04.2023 and the chargesheet was filed on 10.07.2023.

2. The case of the prosecution is that the applicant and deceased (Golya) are brothers. On 04.04.2023, the mother credited an amount of Rs.6,000/- on phone-pe to Amol Bhosale and asked the applicant to collect the said amount and pay Rs.3,000/- to the deceased to purchase Sorghum. At about 3.00 p.m., the applicant brought the amount from Amol. The applicant was allegedly in a state of intoxication. Therefore, the deceased confronted the applicant about consuming liquor and assaulted him by stick and kick blows and snatched the amount.

Thereafter, the deceased returned home at about 4.30 to 5.00 p.m. and were sitting in the court yard of the informant's house, abusing each other. This quarrel was video graphed by Kamlesh, the son of the informant.

During the scuffle, deceased slapped the accused, in turn the accused stabbed the deceased in abdomen with knife. Thereafter, the deceased attempted to charge the accused, but fell down and succumbed to injury. Thus, the informant has lodged the report. On the basis of report, the police registered the crime, conducted the investigation and filed the chargesheet.

3. The learned counsel for the applicant submits that at the time of the incident, the applicant and the victim voluntarily intoxicated and were abusing each other. It is also submitted that the deceased provoked the applicant by slapping on his face for no reason.

4. It is further submitted that the applicant had no intention to commit murder and the alleged incident is occurred in the heat of moment. The weapon allegedly used is recovered. However, the C.A. report is not yet filed. The applicant is the sole bread winner of his family. Hence, prayed to release the applicant on bail.

5. In support, the learned counsel for the applicant has relied in the following cases:-

- (i) *Manish Sisodia versus Directorate of Enforcement, Criminal Appeal No.3295 of 2024 (Arising out of SLP(Criminal) No.8781 of 2024) with another appeal dated 09.08.2024;*
- (ii) *Gopal Madhukarrao Pise versus The State of Maharashtra, Criminal Appeal No.4149 of 2025 (@ SLP (Cri) No.11044 of 2025) dated 18.09.2025*

6. Learned A.P.P. has opposed the application and submitted that the offence is of serious nature and there is substantial evidence available against the applicant. There is possibility of tampering of evidence, if the applicant released on bail. Hence, prayed to reject the application.

7. In *Manish Sisodia (supra)*, the Honourable Apex Court specifically observed that though the observations on the aspect of merit were not binding, the observations concerning the right to speedy trial were required to be taken into consideration while deciding bail application.

8. Similarly, in *Gopal Madhukarrao Pise (supra)*, the Honourable Apex Court, in paragraph No.4, observed that taking into consideration the period of incarceration and taking into account the prolonged delay in trial to conclude, granted bail to the appellant, therein.

9. Considering the above submissions and the material on record indicates that during the said scuffle, the applicant appears to have acted in the spur of moment. *Prima facie* there appears no premeditation on the part of the applicant. Nevertheless, the investigation of the crime is complete and the chargesheet has been filed. Thus, further incarceration of the applicant is unwarranted.

10. In the light of the aforesaid observations and considering the prolonged period of incarceration of the applicant i.e. more than two years and seven months since arrest, no purpose would be served by keeping the applicant behind bars.

11. Hence, the following order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant Baburao Babru Pawar be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in Crime No.I-89 of 2023 registered with Paranda Police Station, Taluka Paranda, District Osmanabad, dated 05.04.2023, for the offences punishable under Section 302 of the Indian Penal Code, on the conditions that,
 - (a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

- (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
 - (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]