



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

28 BAIL APPLICATION NO. 2202 OF 2024

1. Somnath S/o. Sudam Natve.
2. Hanmant S/o Datta Bhojane. **... Applicants**

Versus

The State of Maharashtra. **... Respondent**

...

Advocate for Applicants : Mr. P. P. More.

APP for Respondent/State : Smt. P. V. Diggikar.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 25th August, 2025.

P.C.:

1 Heard.

2 This is an application for grant of regular bail in connection with Crime No.0211 of 2024 registered with Nilanga Police Station, District Latur, for the offence punishable under Section 302 read with 34 of the Indian Penal Code.

3 It is the case of the prosecution that the informant is the

brother of deceased Vikas. The informant averred in the report that it came to know from the people of the village that Vikas harassing one widow residing in the village, who is the sister of applicant No.1. Applicant No.1 convinced him and his brother Vikas also, but Vikas did not pay any heed to him. On 11th June, 2024 at around 7:45 pm, witness Limbraj Phulsure was standing near the deceased Vikas. Vikas was talking on his mobile phone with someone. At that time, speaker was on. The caller then told Vikas to come on the road and that he would come there to take him. On 12th June, 2024 at around 10:00 am, the informant received information from villagers that the dead body of his brother Vikas had been found in naked condition near the roadside adjacent to the field of Shivajirao Patil Nilangekar, on the Nilanga to Peth–Ansarwada road. The informant alongwith his relatives immediately rushed to the spot. There, they found the deceased Vikas lying in completely naked condition. They observed that Vikas had sustained injuries on his head and other parts of body. Vikas was immediately taken to the Government Hospital at Nilanga. After examination, the doctor declared him dead. The inquest Panchanama was drawn and thereafter, the report was lodged on the same day.

4 The learned counsel for applicants submitted that no any incriminating articles, except the motorcycle is seized at the instance of

the applicants. It is the case based on circumstantial evidence. One of the co-accused is released on bail. There is no material against these applicants to link with the crime. Complete chain of circumstances cannot establish against the applicants. The applicants have no criminal antecedents. They will not flee away from the trial. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicants are involved in the serious crime. She pointed out the statement of Limbraj Phulsure, who heard the conversation and quarrel between deceased Vikas and applicant No.1 and thereafter, Vikas proceeded. She further pointed out the statement of Ravikumar, who gave phone number of Vikas to applicant No.1 on 11th June, 2024. She further pointed out that there are call details of the relevant time about the alleged conversation between applicant No.1 and deceased Vikas, soon before the death of Vikas. It is pointed out that on that day, 7-8 phone calls were made by applicant No.1 to deceased Vikas. She further pointed out that there was conversation between applicant No.1 and applicant No.2 on 11th June, 2024, which links them with the crime and there was meeting between the applicants and one of the co-accused to commit the said murder. It is submitted that the applicants are book for serious crime of murder. It is lastly prayed to reject the application.

6 Perused the application and charge-sheet, particularly, the report and the statements of witnesses as well as the postmortem report. There is material showing the motive on the part of applicant No.1 that deceased Vikas was outraging the modesty of his sister. Except the call details, there is no such material to link the applicants with the crime. However, it is a matter of evidence. Considering that the applicants have no criminal antecedents, they will not flee away from trial, trial will take long period, the investigation is over and the presence of the applicants can be secured as they have roots in the society, the applicants are entitled for bail on the principle that bail is rule and jail is exception. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicants in connection with Crime No.0211 of 2024 registered with Nilanga Police Station, District Latur, for the offence punishable under Section 302 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- each with surety of the like amount by each of them on following conditions:-

- a) The applicants shall not pressurize the prosecution witnesses, in any manner.
- b) The applicants shall not tamper with the prosecution evidence, in any manner.

[SANJAY A. DESHMUKH, J.]

nga