



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

BAIL APPLICATION NO. 2236 OF 2024

Vickky @ Santosh Yashvant Raut,
Age : 41 Years, Occu. : Labour,
R/o. Milind Nagar, Ward No.20,
Tq. Mehkar, Dist. Buldhana.

... Applicant

VERSUS

The State of Maharashtra,
Through Police Station Officer,
Police Station Pachod,
Dist. Chhatrapati Sambhaji Nagar.

... Respondent

....
Advocate for Applicant : Mr. Madhukar M. Parghane
APP for Respondent-State : Mr. N.D. Batule
....

CORAM : ABHAY S. WAGHWASE, J.

Dated : 06th February 2025

ORDER :

1. The applicant seeks enlargement on regular bail on account of his arrest in crime bearing No.0045 of 2024, registered at Pachod Police Station, Dist. Chhatrapati Sambhaji Nagar, for offence under Section 302 of the Indian Penal Code, 1860.
2. Learned counsel for the applicant pointed out that, the present applicant is arrested in above crime on 14.02.2024 i.e. in

regard to FIR dated 14.02.2024. That, initially, accidental death was registered. Subsequently, son of deceased Renuka Bhimrao Surushe, lodged report alleging that, the present applicant had taken his mother for sugarcane cutting at Bramhangaon i.e. on the field of one Gopal Vitthal Jagtap. That, his mother was in contact on phone with himself as well as his aunt and she had reported fifteen days back that, one or other count, she was being beaten by the applicant. He further reported that, on 08.02.2024, information was received that the present applicant had beaten his mother and has kept in his house and therefore, he, his sister and relatives went to the house of the applicant and they found his mother unconscious on a cot and was taken to the hospital.

3. The informant claims that, on his query, mother informed that, the applicant took her for sugarcane cutting and even when she was not willing to stay and expressing her desire to go back to the village, he did not permit her saying that they have taken advance of sugarcane cutting and till its repayment, she should not go back to the village. That, on 06.02.2024, at around 08.00 p.m., the applicant beat his mother with fist and kicks, causing her grievous injuries. That, his mother was taken to the hospital, but while undergoing treatment, she expired on 11.02.2024. Hence, he lodged report.

4. Learned APP opposed the bail application on the ground that, serious offence is committed. Deceased died due to multiple injuries. That, there is reporting by deceased to her son informing about beaten by the applicant. For above reasons, bail application is opposed.

5. Perused the FIR, reported by the son of deceased. Papers show that, there are statements of aunt of the informant as well as landlord Gopal Jagtap and they both have reiterated about deceased informing that, when she expressed her desire to go back to the village, she was prevented by the applicant and was beaten with kicks and fist blows. Landlord Gopal also stated that, he questioned the present applicant for beating her and then suggested him to take her to the hospital. Thereafter, he met the present applicant and took away the deceased by making them available the conveyance. Deceased reportedly died on 11.02.2024. Postmortem report shows that, deceased had suffered almost 12 to 13 abrasion and two contusion injuries. Autopsy Surgeon has opined the death due to head injury. But, primarily, informant himself, claims to have been informed by the mother that she was beaten by kicks and fist blows.

6. Now, date of arrest of the applicant is 14.02.2024. Almost a year has lapsed. Nothing is shown to be recovered or

discovered at his instance. Nothing is brought to the notice of this court as to what is the stage of the matter i.e. whether it is committed or not and whether charge is framed or yet to be framed. Therefore, further course of trial being uncertain and as the applicant is behind the bars since last one year with above nature of allegations and when no further purpose is shown to be served for his continued detention, relief as prayed deserves to be granted. Hence, following order is passed.

ORDER

- i) The application is allowed.
- ii) Applicant Vickky @ Santosh Yashvant Raut, be released on bail in connection with Crime No.0045 of 2024, registered with Pachod Police Station, Dist. Chhatrapati Sambhaji Nagar, on executing P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety in the like amount.
- iii) The applicant shall not tamper prosecution evidence.
- iv) The applicant shall not leave the jurisdiction of Police Station Pachod, Dist. Chhatrapati Sambhaji Nagar, till the conclusion of trial.
- v) Bail before the trial court.

[ABHAY S. WAGHWASE, J.]