



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 155 OF 2025
WITH
CRIMINAL APPLICATION NO.1045 OF 2025

Navnath S/o. Vishwnath Khaire,
Age : 38 years, Occu. : Agri.,
R/o. Samta Nagar, Gangapur,
Tq. Gangapur, Dist. Aurangabad.

... Applicant

Versus

The State of Maharashtra,
Through Police Station Gangapur,
Tq. Gangapur, Dist. Aurangabad.

... Respondent

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Mr. S. G. Bobade, Advocate for Applicant.
Mr. C. V. Bhadane, APP for Respondent - State.
Mr. R. R. Imale, Advocate for Applicant - Informant in APPLN/
1045/2025.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 30 APRIL 2025

PRONOUNCED ON : 02 MAY 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in Crime No. 0108 of 2023 registered at Gangapur Police Station, District Aurangabad for offence punishable under sections 302, 307, 326 and 504 of Indian Penal Code.

2. Criminal Application No.1045 of 2025 is allowed. The original informant is permitted to assist the learned A.P.P.

3. It is submitted that, applicant is arrested in above crime on 20.03.2023. That, applicant and deceased were friends. That, there was quarrel on minor count of not giving mobile charger. That, stick allegedly lying there was put to use in the range of anger. That, initially offence was of section 307 of IPC. After two days, when injured died crime is converted to section 302 of IPC. Learned counsel submitted that, FIR is on hearsay information and primarily occurrence being sudden and spur of moment. That, there was no intention or motive. Now, charge sheet is filed in June 2023, but neither case is committed nor charge is framed and trial would take long time to be heard and decided. For all above reasons, bail is urged for.

4. Both learned APP as well as learned counsel for informant have strongly opposed on the ground that, serious offence is committed. That, there is use of heavy wooden stick. That, vital part like head is targeted. That, there is eye witness account in the form of statement of witnesses, namely Sagar and Ganesh. That, there is recovery at the instance of present applicant. Learned APP pointed out that, there is report received from learned trial Judge and there are bright chances of trial itself coming to an end.

5. Heard. Perused the papers. FIR dated 19.03.2023 is at the instance of Sachin Shankarrao Bhalekar and he has reported that, on 18.03.2023, he received phone call from Sagar Ghodke, informing that, his brother Yogesh has suffered head injury and therefore he went. He found his brother lying unconscious with bleeding head injury and blood oozing from ear. He claims that Sagar Ghodke informed him that, on the night of 17.03.2023 his brother and present applicant were quarreling after getting drunk. He shifted his brother to the hospital and lodged report. Subsequently, Yogesh expired, and therefore, crime was converted from section 307 to section 302 of IPC.

6. Learned APP has submitted that, there are statements of witnesses namely, Sagar and Ganesh. On visiting their statements, it is emerging that, on 17.03.2023, they reported about seeing quarrel between applicant and deceased, under influence of liquor and it being usual affair, nobody intervened. Similar is the statement of Ganesh. Thus there is eye witness account.

7. This court had after considering the year of arrest and year of filing charge sheet called report from learned trial Judge

and the same dated 09.05.2025 is received and it has been conveyed that *muddemal* has not yet to be received and that learned trial Judge would require about a year to commence and conclude the trial. Applicant is shown to be arrested on 20.03.2023 i.e. almost two years have lapsed. Going by the above report, approximately another year would be required. Considering the nature of allegations and prima facie occurrence to be under influence of liquor between two friends and when no further recovery or discovery is shown to be made, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant Navnath S/o. Vishwnath Khaire be released on bail in connection with Crime No. 0108 of 2023 registered with Gangapur Police Station, District Aurangabad, on executing Personal Bond of Rs.15,000/- (Rupees Fifteen Thousands only) with one surety in the like amount, on the following conditions :
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
 - [c] The applicant shall not enter the vicinity where the informant and his family members reside till conclusion of trial.

[d] The applicant shall attend the concerned police station once in every week i.e. on every Monday between 10:00 a.m. to 02:00 p.m. till commencement of trial and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)