



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 356 OF 2025

1. Amol @ Ambadas Thaksen Nirmal
Age : 30 years, Occupation : Agriculture,
R/o Lakhmapuri, Taluka Shevgaon,
District : Ahmednagar.
At present in jail.
2. Thaksen s/o Asaram Nirmal
Age : 73 years, Occupation : Agriculture,
R/o Lakhmapuri, Taluka Shevgaon,
District : Ahmednagar.
At present Jail. ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mrs. Charuta S. Deshmukh, Advocate for the Applicants.
Mr. V. M. Chate, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 29.04.2025
Pronounced on : 30.04.2025

ORDER :

1. Applicants seek grant of regular bail on account of their arrest in crime no. 1024 of 2024 registered at Shevgaon Police Station, District Ahmednagar for offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita (BNS).
2. Learned counsel pointed out that applicant is arrested in above

crime on 27-12-2024. That, informant's husband allegedly left the house on his own on 05-11-2024. That, his dead body was found on 09-11-2024 in the well. That, last rituals were also performed on the same day and identification is done on 14-11-2024, however, report is lodged on 27-12-2024. Therefore, there is delayed reporting. That, cause of death is reported to be "respiratory arrest due to asphyxia due to drowning". That, case is based on circumstantial evidence. Now, investigation is over and chargesheet is filed on 25-03-2025. That, no incriminating material is surfaced against present applicant. That, as applicant is behind bars since more than four months, when no further recovery or discovery is to be made, learned counsel urges for bail.

3. Learned APP opposed application on the ground that there is allegation of committing murder. That applicant is named in the FIR. That, there is statement of owner of well in which deceased was found dead. For above reasons, learned APP opposes relief.

4. Heard. Perused the papers. FIR is at the instance of Meera Ram Samse, who is wife of deceased Ram. She has reported that, her step sister Manisha died six years back. Her son and husband were on visiting terms with informant and there used to be financial

transactions between her husband and husband of step sister. She further reported that her husband left the house on 05-11-2024 on the pretext of taking back amount given on credit. Since 07-11-2024 continuous calls were received from the mobile of her husband, but no one was talking over the phone and so she reported it to her brother. On 09-11-2024 informant's brother made phone call from phone of his friend namely Deepak Raut i.e. on the phone of informant's husband and that time, some other person responded and Police Officer informed about mobile being found and it being deposited in the Police Station. On 06-11-2024 one person found driving licence of her husband and he returned it to informant's mother-in-law. On 09-11-2024, dead body of her husband was found in the well. Same was identified. Hence, above report seems to have been lodged but on 27-12-2024.

As submitted, deceased left house on 05-11-2024, dead body is noticed on 09-11-2024, but FIR is lodged on 27-12-2024 and hence, there is delayed FIR.

5. Learned APP has admitted that cause of death is "respiratory arrest due to asphyxia due to drowning", however, according to learned APP, statement of owner of well reveals that one person was seen visiting the well earlier. On Court query, whether T.I. parade

has been conducted to that extent, learned APP fairly submitted that in the Police papers, there is no document about any T.I. parade. Thus, as submitted case is based on circumstantial evidence. There is uncertainty about commencement and conclusion of trial. Therefore, relief as prayed deserves to be granted. Hence, following order :

ORDER

- I. The application is allowed.
- II. Applicants be released on bail in connection with Crime No. 1024 of 2024 registered at Shevgaon Police Station, District Ahmednagar, on executing Personal Bond of Rs. 15,000/- each with one surety by each in the like amount, on the following conditions:
 - [a] The applicants shall not tamper prosecution evidence.
 - [b] The applicants shall not enter the vicinity where informant, her family resides, till conclusion of trial.
 - [c] The applicants shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
 - [d] The applicants shall attend the concerned police station twice in every week i.e. on every Monday and Thursday between 11.00 a.m. to 02.00 p.m. till committal of the case and thereafter, they shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]