



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

19 BAIL APPLICATION NO. 437 OF 2025

VISHAL HARI BAMBALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr.V.Y.Bhide
APP for Respondent-State : Mr.D.J.Patil
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 30.06.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he is arrested on 24.01.2024 in connection with Crime No.020/2024, registered with Rajur Police Station, District Ahmednagar, for the offence punishable under Sections 302, 452, 323, 504, 506 of the IPC, 1860.

3] The case against the present applicant is that on 23.01.2024 at about 1.30 p.m. the informant heard the sound of shouting from the outside the house, at that time, she came out of the house and had seen that the present applicant assaulting the deceased i.e. father in law of the

informant with fist and kick blows on chest and the said assault had taken place on the bandh [embankment] of his field. As such, the FIR is registered against the present applicant. The applicant was arrested on 24.01.2024 and since then the applicant is in jail.

4] The learned counsel for the applicant submits that this is second bail application filed by the applicant. The earlier Bail Application No.1010/2024 was filed by the applicant and when the Court expressed disinclination to grant bail in favour of the applicant, the same was withdrawn by the applicant on 15th July, 2024. He further submits that subsequent to the withdrawal of bail application, certain vital documents are produced before the trial Court, as such, the present Bail Application is filed in changed circumstances. He further submits that when the earlier bail application was taken for consideration before this Court, the opinion as regards cause of death is given as under :

Death due to blunt chest trauma due to hard and blunt impact. However, viscera retained for histopathological examination.

The final report is given on 21.03.2024, as under :

Death due to blunt chest trauma due to hard and blunt impact, associated with myocardial infarction and pulmonary tuberculosis.

He further submits that although the final report is given on 21.03.2024, it was not submitted along with charge sheet and it was subsequently submitted before the Sessions Court on 13.12.2024. He further submits that this particular document was not available with this Court when the earlier bail application was heard. He further submits that the final opinion as to cause of death indicates that the deceased died due to myocardial infarction which was started 8 to 12 hours prior to death and possibility cannot be denied that it was accelerated due to blunt chest trauma. He further submits that the deceased was suffering from tuberculosis and the applicant has not used any weapons and the applicant assaulted with fist and kick blows, due to the said assault, the deceased had not suffered injury and the injury can be possible due to fall from the bandh. Considering the said fact, the bail should be granted in favour of the applicant.

5] *Per contra*, the learned APP submits that earlier bail application was dismissed by this Court on 15th July, 2024 and no liberty was given to the applicant to move fresh application. He further submits that the applicant is involved in the alleged crime and the applicant is an influential person. Considering the said fact, the bail should not be granted in favour of the applicant.

6] However, the earlier bail application was rejected on 15th July, 2024 and the trial Court would take substantial time to conclude the trial. At the time of hearing of the earlier bail application, final report of cause of death was not before this Court and the final report indicates that the deceased died due to 'Myocardial Infarction' which had started 8 to 12 hours prior to death and possibility cannot be denied that it was accelerated due to blunt chest trauma. The applicant has not used any weapons to assault the deceased and the fracture of ribs could be possible due to fall from the bandh. Considering this aspect of the matter, so also, considering that the applicant is in jail from 24.01.2024, so also, the applicant is a young boy, aged 22 years with no antecedents, so also, considering that the trial Court may take substantial time to conclude the trial, the applicant is granted bail.

7] The learned counsel for the applicant submits that the applicant would stay away from village Manhere and he would not tamper with the evidence of the prosecution and he would not influence the informant or any other family members of the informant.

8] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.020/2024, registered with Rajur Police Station, District Ahmednagar, for the offence punishable under Sections 302, 452, 323, 504, 506 of the IPC, 1860, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant shall not enter the jurisdiction of village Manhere, Taluka Akole, District Ahmednagar, during pendency of the trial.

c] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

9] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC