



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

42 BAIL APPLICATION NO. 664 OF 2025

Roshanraj Shribundeliprasad Yadav

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Shekade Shashikant E, A. A. Mahandule

APP for Respondents-State: Mr. V. M. Jaware

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CORAM : ARUN R. PEDNEKER, J.

Dated : June 30, 2025.

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he was arrested in connection with FIR No.0661/2024, dated 07/09/2024, registered with MIDC Police Station, District Ahmednagar, for offences punishable under Sections 125, 125(a), 125(b), and 105 of the Bharatiya Nyaya Sanhita, 2023.
3. The case against the applicant, as stated in the FIR, is that the incident took place on 07/09/2024, while the applicant, the deceased, and other co-accused were standing and chitchatting after finishing their work at Classic Wheel Company. At that time, it is alleged that the applicant caught hold of the deceased, and the co-accused held a pressure pipe meant for cleaning near the anal region of the deceased. Due to the air pressure, the air force penetrated the anus, causing internal injuries. The deceased was thereafter taken to the hospital, where he died within 24 hours of sustaining the injury. Accordingly, the FIR was registered, and the applicant has been charged with

the offence of culpable homicide not amounting to murder, under Section 105 of Bharatiya Nyaya Sanhita.

4. The learned counsel for the applicant submits that considering the statements of the witnesses, the material on record, and the post-mortem report, no intention to cause death or knowledge of the likelihood of causing death can be attributed to the applicant. He submits that the pipe was merely kept near the anal portion of the deceased and that the applicant was holding the deceased. It appears that due to the pressure, air entered the abdomen, causing the injury, and the deceased later succumbed to it.

5. The learned counsel for the applicant has also relied upon the order passed by this Court dated 03/02/2025 in Bail Application No.1785 of 2025, wherein, in similar factual circumstances, this Court granted bail to the accused, observing that there was no intention to kill the victim.

6. The learned APP submits that the act of the applicant was such that knowledge of the likely consequences can be attributed to him, and therefore, he should not be released on bail.

7. In the present case, the record prima facie indicates the absence of intention or knowledge that the act of the accused would kill the deceased.

Considering that the applicant has been in jail since 08/09/2024, and further considering that *prima facie* there is no evidence of intention to cause death, as well as the fact that the maximum prescribed punishment is ten years, and the trial is likely to take substantial time to conclude, the applicant is granted bail.

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 FIR No.0661/2024, dated 07/09/2024, registered with Police Station MIDC Ahmednagar, District Ahmednagar, for the offences punishable under sections 125, 125(a), 125(b), 105 of the Bharatiya Nyaya Sanhita, 2023, on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

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

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

d] 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.

e] 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, J.)

vj gawade/-.