



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.299 OF 2025

(Vishal @ Kisna s/o Vasanta Mahale (In Jail) Vs. The State of Maharashtra thr. PSO
PS Washim (Rural), Dist. Washim)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. A. M. Jaltare, Advocate for Applicant.
Mr. N. B. Jawade, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 28th MARCH, 2025.

1. The present application is for seeking bail in connection with Crime No.457/2024 registered with Police Station Washim (Rural) for the offences punishable under Sections 49, 3(5) and 103 (1) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard learned counsel for the applicant, who submitted that one Pandurang Shivram Ingale has lodged the report on 23.10.2024 alleging that his son, namely Narayan Pandurang Ingale, is married and has two children, and residing with him in a joint family. On 22.10.2024, around 09:00 p.m., there was a quarrel between his son and his daughter-in-law Sharda. The complainant reported the incident involving both of them. Thereafter, on 23.10.2024 at about 06:30 a.m. his daughter-in-law Sharda called her brothers and informed them about the quarrel with the son of the complainant. At around 07:00 a.m. the son of the

complainant has left his home on his motorcycle, and around 09:00 a.m., the brother-in-law of the complainant, namely Vishal has come to his house for taking his sister and children with him at his village Sakhara. It revealed that the present applicant and other co-accused have assaulted the deceased and caused his death.

3. Heard learned counsel for the applicant who submitted that as far as the present applicant is concerned the allegations are that he has assaulted by means of a plastic pipe and iron rod on his hands and legs. The co-accused Anil @ Gagdish s/o Parashram Mahale is already released on bail to whom the similar role is attributed. Thus, on the ground of parity also the present applicant deserves to be released on bail. He further submitted that the death is not caused due to the assault by the present applicant on the hands and legs but death is due to the head injury.

4. The learned APP strongly opposed the said application on the ground that in furtherance of the common intention, the present applicant and other co-accused have assaulted the deceased and caused his death.

5. On perusal of the entire investigation papers, it reveals that due to the matrimonial dispute between the deceased and his wife, the present applicant, who is a relative of the wife of the deceased, assaulted the deceased, and in that incident the other co-accused have given a blow

on the head of the deceased, and the deceased died due to the head injury. As far as the role of the present applicant is concerned, it is only to the extent that he assaulted by means of a plastic pipe on the legs and hands. The co-accused with the similar role is already released on bail. Thus, on the ground of the parity also the applicant is entitled to be released on bail. In view of that, I proceed to pass the following order.

- i] The criminal application is allowed.
- ii] The applicant – Vishal @ Kisna s/o Vasanta Mahale, shall be released on bail in connection with Crime No.457/2024 registered with Police Station Washim (Rural) for the offences punishable under Sections 49, 3(5) and 103(1) of the Bharatiya Nyaya Sanhita 2023, on executing P.R. bond of Rs. 25,000/- with one solvent surety in the like amount.
- iii] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- iv] The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
- v] The applicant shall not enter into the

vicinity of village Sakhara, till the
culmination of the trial.

6. The criminal application is disposed of.

(URMILA JOSHI-PHALKE, J.)