



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

CRIMINAL APPLICATION(BA) NO. 340 OF 2025

Nagorao Kalnaji Gawande Vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. R.M.Daga, counsel for the applicant.
Mr.Aditya Gohokar, APP for the non-applicant/ State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 12/09/2025

1. The applicant has filed this application as he is arrested in Crime No.56 of 2024 for the offence punishable under Section 302 r/w 34 of the Indian Penal Code.

2. It is the case of the prosecution that the applicant who is the father of the deceased had committed murder of his son i.e. deceased with the help of his another son i.e. accused No.2. The deceased was having love affair with a girl which is not liked by the father and brother of the deceased. They gave him understanding not to continue the relations with her, but he did not obey the instructions given by them. The quarrel used to take place between them. On the date of the incident, it is alleged that when the deceased was getting ready to go to meet his girl friend, this applicant

and accused No.2 took him in a room and beat him mercilessly. Hearing cries of deceased, the mother become unconscious. She was taken to the hospital at Akola. Accused No.2 took her to hospital. At that time, except accused No.1, nobody was with the deceased. On the next day, the body was found in said room. It was informed by the father of the deceased to Police Patil. Police Patil first lodged the complaint.

3. The learned counsel appearing for the applicant stated that the co-accused, who is having similar role is already released on bail by this Court. The ground of parity is available. Since, 2024 the trial is not initiated. The case is based on circumstantial evidence. Nobody has seen, who has assaulted the deceased and how he died. The father of the deceased was in hospital and when he came back he found that his son was strangulated. The post mortem report shows the cause of death as head injury with strangulation. As the role of the applicant is similar to the accused No.2 and he is already released on bail, on the ground of parity, prayed to release the applicant on bail.

4. Learned APP opposed the application stating that the witnesses have stated about beating by the applicant and the accused No.2. The mother of deceased has stated that the applicant was uncontrolled and thereafter, she became

unconscious as her son was beaten by the applicant mercilessly.

5. Learned APP pointed out the order passed by this Court while granting the bail to the co-accused. It is stated that the circumstantial evidence shows that the strong case is made out against the applicant/accused No.1.

6. The statement of the witnesses shows that on 08.02.2024 from 10.00 a.m. till accused No.1 left for Akola in the afternoon, the accused no.1 was alone in the house. The body was noticed by accused No.1, the accused No.1 informed the Police Patil and other villagers. The role of the accused no.1 is different as he was last seen together with the deceased. As the role is different and statement of witnesses shows that he died due to beating and accused no.1 was with the deceased for whole night. This is not a fit case to release the applicant on bail. Hence, the criminal application stands disposed of.

JUDGE