



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

CRIMINAL APPLICATION (BA) NO. 503 OF 2025

Shubham Bhagwantrao Sawalekar Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N.D. Dawda, counsel h/f Mr. A.M. Jaltare, counsel for applicant.

Mr. N.R.Rode, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/06/2025.

1. The applicant came to be arrested on 28/12/2024 in connection with Crime No. 410/2024 registered with Ashti Police Station, District Wardha for the offence punishable under Section 103(1), 351(3), 352, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of a report lodged by wife of the deceased on an allegation that on 27/12/2024 at about 9.00 p.m. construction work was in progress at her residence. At the relevant time, present applicant came on the slab and assaulted her husband with fist blows on his chest, face, and stomach. Due to which her husband fall down on the ground, she immediately taken him to the hospital, but he was declared dead. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that there was no premeditation, whatever

happened in a spur of the moment. There was no intention to commit the murder, and at the most, knowledge is attributable to the present applicant. Now, investigation is already completed, charge-sheet is already filed, and further incarceration of the applicant is not required.

4. Learned APP strongly opposed the said application and submitted that, considering that the present applicant gave repeated blows on the person of the deceased, the deceased succumbed to the death. He also pointed out that daughter of the deceased is present, and she made a complaint that she is threatened by the family members of the applicant. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that entire incident started as to the construction of the house by the informant. On the day of the incident, the labours were working and proceeding with the construction work and therefore, the present applicant went at the spot of incident. There was a hot exchange of words, and out of that altercation, the deceased was assaulted by fist blows. Admittedly, the applicant has not used any weapon, or there was no premeditation to cause the death of the deceased. At the most, it can be ascertained that alleged incident has occurred in a spur of moment due to the sudden fight and sudden quarrel between the deceased and the present applicant, in which the death of the deceased is caused.

6. Considering the nature of the incident, present applicant has not used any weapon, at this stage, it can be said that there was no intention, but knowledge was there. Thus, considering investigation is already completed, charge-sheet is already filed, and the manner in which the alleged incident has occurred, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order.

- a] Criminal application is **allowed**.
- b] The applicant- ***Shubham Bhagwantrao Sawalikar***, shall be released on bail in connection with Crime No. 410/2024 registered with Ashti Police Station, District Wardha for the offence punishable under Section 103(1), 351(3), 352, 3(5) of the Bhartiya Nyaya Sanhita, 2023, on executing P.R. Bond of Rs. 50,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter into the vicinity of village Sahur, Tah. Aashti, District Wardha till culmination of the trial.
- d] The applicant or his family members shall not induce threat or promise any witnesses who are acquainted with the facts of the case.

- e] The applicant shall furnish his detailed address where he is intending to reside after he is released on bail along with the address proof.
- f] Single incident of the victim would lead to the cancellation of bail.
- g] The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

Criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]