



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

CRIMINAL APPLICATION (BA) NO.825 OF 2025

(Vaibhav Gopal Sonar 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. S.V. Sirpurkar, Advocate for the applicant.
Mr. N.R. Rode, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 25, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 16/01/2025 in connection with Crime No.20/2025 registered with Police Station Malkapur, District Buldhana for the offences punishable under Sections 103(1) of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of report lodged by the brother of the deceased on an allegation that on the day of incident he received a phone call of the present applicant who informed him that his brother has consumed the liquor and at the relevant time he faced some issue as to the breathing, and therefore, he was called immediately. Immediately the informant rushed to the spot wherein the present applicant was also present and his brother was in an unconscious condition, immediately he has taken his brother into the hospital but he was declared dead. On the basis of the said information, police initially registered the merg and thereafter the informant approached to the police station and raised the suspicion against the present applicant on the

ground that the deceased was having relationship with the sister of the present applicant which disliked by the present applicant, and therefore, with that motive the present applicant has administered him liquor and caused his death. On the basis of the said report, police have registered the crime. During investigation, the Investigating Officer has recorded the relevant statements and also drawn the spot panchnamas and collected postmortem report.

3. Learned Counsel for the applicant submitted that except the suspicion there is absolutely no material to connect the present applicant with the alleged offence. Even the allegation of the informant that the present applicant has caused the death of the deceased by strangulation is not supported by the postmortem report, as the death of the deceased is due to 'asphyxia' and viscera report is preserved. The report of the viscera is yet to be received. He submitted that considering the nature of the investigation and the documents collected during the investigation, the involvement of the present applicant appears to be suspicious and doubtful, and therefore, the applicant be released on bail.

4. Learned APP strongly opposed the application and submitted that there was a previous enmity between the deceased and the present applicant as deceased was having relationship with the sister of the present applicant which is disliked by the present applicant and deceased was asked not to have any communication with his sister but the deceased was not in a position to ignore the same, and therefore, the murder of the deceased was committed by the present

applicant. In view of that, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers as far as the involvement of the present applicant is concerned the investigation papers shows that it was the present applicant who has informed the informant as to the breathing issue which was suffered by the deceased and thereafter the informant had been to the spot of incident. At that time, the present applicant was present there. Thereafter the deceased was taken to the hospital. As far as the motive shown to the present applicant for commission of the crime is concerned which is not supported any of the circumstance. At this stage, the investigation which is carried out itself is not sufficient to show that the death of the deceased is due to the homicidal death but considering that it is aspect of a trial. At this stage, it would not be appropriate to comment on it. Considering the nature of the evidence collected during the investigation admittedly, except the suspension there is no other material, and therefore, the applicant has made out a case for grant of bail. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Vaibhav Gopal Sonar in connection with Crime No.20/2025 registered with Police Station Malkapur, District Buldhana for the offences punishable under Sections

103(1) of the Bharatiya Nyaya Sanhita, 2023, be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of village Taroda, District Jalgaon till the culmination of the trial.

(iv) The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

6. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)