



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

CRIMINAL APPLICATION (BA) NO. 896 OF 2025

Satyam S/o Mallya Vadguri 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. Madhur Deo, counsel for applicant.

Mr. A.M. Ghogare, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/08/2025.

1. Present application is preferred by the applicant for grant of bail in connection with Crime No.146 of 2024 registered with Police Station Sironcha, District Gadchiroli for the offence punishable under Section 103 (1) of Bharitya Nyaya Sanhita, 2023, the applicant came to be arrested on 11/10/2024.

2. The first information report came to be lodged by Bapu Gattu Atkari on an allegation that on 10/10/2024 at about 10 to 10:15 a.m., he had been to attend his work, and at about 5.00 p.m., when he returned home, he received the call informing him that, during the quarrel between the two brothers, the present applicant had assaulted his brother and caused his death. 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 the deceased and the present applicant

are real brothers; the deceased was in the habit of consuming liquor and abusing the present applicant under the influence of liquor. On the day of the incident, i.e., on 10/10/2024, at about 10:10 p.m., when the present applicant was taking his dinner, at that time the deceased came home under the influence of liquor and kicked the plate of food of the present applicant, and on that count there was a quarrel between them. The deceased was continuously abusing the present applicant, due to which the present applicant could not control himself and assaulted him by means of an axe, due to which the deceased sustained the injuries and succumbed to death. He submitted that the act of the present applicant is covered under the exception of grave and sudden provocation, and therefore, the act of the present applicant will come under 304 Part II. In view of that, the applicant be released on bail.

4. Learned APP strongly opposed for the same and submitted that considering the fact that the deceased was assaulted by the present applicant by means of axe. The two injuries were sustained by the deceased; the blood-stained clothes and blood-stained weapon were recovered at the instance of the present applicant. Whether it is coming under the exception or not is a matter of trial. At this stage, there is material evidence to connect the present applicant with the

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

5. On hearing both sides and perusal of the investigation papers, the statement of Mallya Kishtiya Wadguri is relevant, which shows that when the present applicant was taking his food, at that time, the deceased came in the house and kicked the plate of food of the present applicant and also abused him continuously. On account of that, present applicant got angry and gave a blow by means of an axe to the person of the deceased, due to which the deceased sustained the injury and succumbed to death.

The P.M. report shows that the deceased has sustained only one injury in the said incident. Admittedly, the present applicant has not extended the act beyond that injury. The statement of the said Mallya sufficiently shows that there was a grave and sudden provocation at the hands of the deceased, and therefore, the alleged incident has taken place. Whether the case is covered under Section 304 Part I or 304 Part II is a matter of trial at this stage, considering the circumstance under which the alleged incident has taken place. There is nothing on record to show that there was any intention to commit homicidal death of the deceased, but the circumstance under which the alleged incident has taken place is definitely covered under exception. In view of that, the application

deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is allowed.
- b] The applicant- ***Satyam s/o Mallya Vadguri*** shall be released on bail in connection with Crime No.146 of 2024 registered with Police Station Sironcha, District Gadchiroli for the offence punishable under Section 103 (1) of Bharitya Nyaya Sanhita, 2023, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]