



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

CRIMINAL APPLICATION (BA) NO.1006/2025

(Swapnil S/o Diliprao Hajare Vs. The State of Maharashtra, through P.S.O. Sewagram, Distt. Wardha)

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

Court's or Judge's orders

Mr. Mahesh Rai, Advocate for the applicant.
Mr. C.A. Lokhande, A.P.P for the non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 26.9.2025.

The applicant is arrested in Crime No.215/2025 for the offence punishable under Sections 103(1), 351(2)(3) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. It is alleged that the deceased was coming from the road, near the house of the accused persons. The family of the accused persons was sitting outside. When the deceased came there from his vehicle, they stopped him and asked him not to use said road and Swapnil, the present applicant, has assaulted him with wooden stick on his head. He fell down. Thereafter all the co-accused assaulted him with fists and blows. People gathered there and they took him to the hospital and he died in the hospital. The crime is registered against this applicant.

3. The learned Advocate for the applicant has stated that as per P.M. report only one blow is there. It happened in a spur of moment. The intention was not there to kill the deceased. The applicant has relied on number of bail orders passed by this Court wherein a single blow is there and the incident took place in a spur of moment. The learned Advocate for the applicant has stated that, in this case, the

applicant came on the spot, quarrel took place and in a spur of moment, the applicant has assaulted the deceased with a single blow, the intention was not there, the investigation is complete and there was no prior enmity, hence, prayed to release the applicant on bail.

4. The learned A.P.P. opposed the application stating that there was prior enmity. There is no question of assault in a spur of anger. The murder is committed out of prior enmity. The witnesses are there who have seen the incident. The deceased was beaten brutally by the accused persons. Hence, prayed to reject the application.

5. Heard both sides and perused the record.

6. The other co-accused are released on bail. It appears from the postmortem report that there is one blow on the head. It is seen from the charge sheet that there was prior enmity. However, at the time of incident it happened in a spur of moment.

7. Considering the orders passed by this Court about a single assault and the offence committed in a spur of moment, the case is made out to release the applicant on bail.

8. The Criminal application is allowed.

i) Applicant - Swapnil S/o Diliprao Hajare be released on bail Crime No.215/2025 for the offence punishable under Sections 103(1), 351(2)(3) and 3(5) of the Bhartiya Nyaya Sanhita, 2023, on his furnishing PR. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount before the trial Court.

ii) The applicant shall not in any way tamper with the prosecution evidence.

- iii) The applicant shall not pressurize or threaten the prosecution witnesses.
- iv) The applicant shall co-operate the learned trial judge in the conduct of the trial.
- v) The applicant is directed not to enter Pawnar during trial.

(MRS.VRUSHALI V.JOSHI, J.)