IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1074 OF 2026

Kiran Sanjay Koli (Padolse) ..APPLICANT

VERSUS

State of Maharashtra ..RESPONDENT

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Mr. P.B. Kadam, Advocate for applicant (Through Legal Aid)
Mr. K.K. Naik, A.P.P. for respondent - State

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CORAM : HITEN S. VENEGAVKAR, J.
DATE : 07th OCTOBER, 2026

PER COURT :

1. Heard learned counsel for the applicant and learned A.P.P. for State. With the able assistance of both the learned counsel, I have also perused the copy of charge-sheet and the investigating papers.

2. The prosecution story is that on the date of incident, there was quarrel between the present applicant and the deceased and during the said quarrel, the applicant alleged to have assaulted the deceased with the help of stone in her head and also with stick. The investigation reveals that when the son of the deceased, who is minor, entered into the house, he saw the applicant assaulting his mother i.e. the deceased, and therefore, he started crying loudly because of which the applicant raw away.

3. Learned counsel for the applicant submits that the applicant has been arrested on 01st July, 2024 and since then he is in custody. The trial has not proceeded, save and except for framing of charge. He submits that as there is no likelihood of conclusion of trial in immediate future, the applicant be enlarged on bail on merits. He submits that the statements of witnesses are not sufficient to implicate the present applicant directly into the offence. The statements only reveal that there was some quarrel. However, the statements do not reveal that the assault, which led to death of the deceased, was at the hands of present applicant.

4. Learned A.P.P. opposed the application by stating that the F.I.R. is registered against the present applicant describing his specific role in commission of offence. There is an eye witness in the nature of a minor son, who has clearly named the present applicant and has also attributed the role of assaulting the deceased. The evidence also reveals that the witnesses have stated to have seen the applicant running away from the spot after the assault. He, therefore, prays for rejecting the application.

5. I have perused the entire charge-sheet. There is direct evidence of son – Ajay, who has stated in his statement that when he entered the house, he saw the present applicant assaulting his mother i.e. the deceased with the help of a stone. He also stated that the deceased was lying on the ground and the applicant was assaulting her. The other witness – Vishal has stated that

he saw the applicant running away from the house after the assault. These two statements are sufficient to prima facie opine that there is strong evidence against the present applicant being author of commissioning the injuries, which ultimately led to the death of the deceased.

6. Learned A.P.P., on enquiry, informs that there are sixteen witnesses, who have to be examined in the entire trial. He further submits that if the applicant / accused cooperates, then the trial can be concluded within one year.

7. Taking into consideration that there is direct evidence available to show that the present applicant is involved in the present offence, I am not inclined to allow the application.

8. Hence, bail application stands rejected.

(HITEN S. VENEGAVKAR, J.)

SSD