2026:BHC-AUG:51488

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 CRIMINAL APPEAL NO. 476 OF 2026

SAINATH SUBHASH WATTAMWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. S.S. Gangakhedkar, Advocate for appellant

Mrs. P.J. Bharad, APP for respondent No.1

Mr. D.M. Shinde, Advocate for respondent No.2

...

CORAM : R.M. JOSHI, J.

DATE : 23rd OCTOBER, 2026

ORDER :

. Appellant seeks regular bail in connection with Crime No.1060/2025 dated 07.11.2025 registered with Rural Police Station, Nanded, for the offences punishable under Sections 103(1), 352, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(2), 3(V), 3(1)(r) and 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2 First Information Report indicates that an incident had occurred on 06.11.2025 around 7.45 p.m. to 8.00 p.m., during which present

appellant assaulted the deceased owing to a previous quarrel between them. It is alleged that the appellant assaulted the deceased with fist and kick blows on his stomach, chest, face and head. In the said assault he sustained serious injuries.

3 Learned counsel for the appellant submits that even if the allegations are accepted to be true, it is not possible to attribute an offence of murder punishable under Section 103 of the B.N.S. to the appellant. It is his contention that there was previous dispute between parties, which has resulted into causing of assault without any weapon. It is his submission that in absence of appellant carrying any weapon, intention of committing murder of deceased cannot be attributed to the appellant. According to him, charge sheet is filed and investigation is completed. There is no possibility of completion of trial within a short period of time and appellant cannot be kept behind bars for prolonged period of time.

4 Learned APP and learned counsel for the informant oppose grant of any bail. It is their contention that considering the circumstances under which the appellant caused assault, no benefit of doubt can be given to him. There appears clear intention of committing murder. Merely because the assault involves no weapon, it cannot be presumed that there was no intention of causing death of the deceased. To support this contention

learned APP and learned counsel for the informant invited attention of the Court to Postmortem Report, which reveals that the entries in column Nos.19 and 20 of the said report shows number of injuries inflicted upon the deceased. They further submit that it is sufficient to gather the intention of appellant that the deceased's head was banged on concrete road.

5 This Court is called upon to *prima facie* consider whether the incident involves an offence of committing murder or an offence of a lesser degree. It is not dispute that there was a previous enmity between the deceased and the appellant which has resulted into occurrence of incident. Though this Court agrees to the submission of learned counsel for appellant that no weapon was involved, it cannot be assumed in each case that the accused had no intention of committing murder. It would depend upon the evidence collected during the course of investigation to attribute or not such intention of the accused.

6 *Prima facie* perusal of the record, more particularly the CCTV footage of the incident shows that the appellant came to the spot unarmed. No doubt, he started assaulting the deceased, however, there is nothing on record to indicate that the appellant assaulted deceased by banging his head on the concrete road as sought to be canvassed by the learned counsel for the informant. Pertinently if the appellant was intending to commit the murder

of the deceased, he would have continued beating the deceased, however, he left deceased and then assaulted another person. All these facts clearly indicate that no clear intention to commit the murder can be gathered on the part of the appellant.

7 *Prima facie* perusal of the Postmortem Report indicates that there were only two abrasions and contusions. Except these two injuries no other external injuries were caused to the deceased. It seems that the internal injury that has resulted in his death was a brain injury. Thus, it cannot be said with certainty that appellant intentionally caused the said internal injury and possibility of such causing of injury unintentionally exists. Having regard to these facts, in absence of clear intention, the bail deserves to be allowed, particularly considering the fact that the charge sheet has been filed and there is no point in keeping the appellant in custody any more.

8 Learned counsel for the informant apprehends that appellant will pressurize the witnesses and informant if enlarged on bail. In response to this statement learned counsel for the appellant makes a statement that the appellant would not enter within the jurisdiction of Nanded Municipal Corporation till conclusion of trial, except for attending the trial before the learned Sessions Court. This undertaking takes care of the apprehension of the informant and prosecution. Hence, following order.

**ORDER**

(i) The appeal stands allowed.

(ii) Appellant in connection with Crime No.1060/2025 dated 07.11.2025 registered with Rural Police Station, Nanded, for the offences punishable under Sections 103(1), 352, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(2), 3(V), 3(1)(r) and 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, shall be released on bail on furnishing PR Bond of Rs.15,000/- Rupees Fifteen Thousand only) with one solvent surety in the like amount.

(iii) He shall attend the concerned Police Station as and when called by the Investigating Officer.

(iv) He shall attend the trial before learned Sessions Court on each date unless exempted.

(v) Appellant shall not enter the jurisdiction of Nanded Municipal Corporation except for attending trial in the sessions case.

(vi) He shall not contact the witnesses directly or indirectly.

(vii) He shall not interfere with the evidence in any manner whatsoever.

(viii) He is further directed to cooperate the investigating agency for further investigation.

(ix) Learned APP for respondent/State to communicate this order to the concerned Police Station.

( R.M. JOSHI, J. )

agd