IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1562 OF 2026

SAYSING VESTA VALVI
Versus
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Govind Rangrao Ingole
APP for Respondent - State : Mr. S. V. Hange

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 06th OCTOBER, 2026

PER COURT :

1. Heard the learned Advocate for the applicant and the learned APP for the respondent–State and I have also perused the entire charge sheet annexed to the present application.

2. This is an application for regular bail of the present applicant, who is arrested on 07.01.2026 in connection with C.R. No. 003 of 2026, registered with Mhasawad Police Station, District Nandurbar, for the offence punishable under Sections 103(1), 238 read with Section 3(5) of the Bharatiya Nyaya Sanhita (BNS).

3. The prosecution story, in brief, is that the brother of the deceased, who is the informant, reported the death of the deceased on 03.01.2026 by stating that his brother had fallen into the valley

and, due to that, he has expired. On the next day, it is alleged that the police along with the medical doctor approached the informant and asked him to show the place and spot where his brother had fallen into the valley. When the informant accompanied the police and went to the spot, at that time, the dead body of the deceased was not found, but the body parts were found lying in the vicinity. It is further alleged that when the informant proceeded to the house of his cousin brother, at that time, he was informed by his cousin that, on the date of the incident, he had received a telephonic call from the present applicant stating that the deceased is under the influence of liquor and is assaulting his wife. The cousin brother along with others therefore went to the house of the deceased, where they found the wife standing near the house. On enquiry, she informed them that the present applicant and the other co-accused Dinesh, who is the son of the deceased, had taken the deceased to the nearby hut. When the cousin brother and the other persons reached the hut, they saw the present applicant assaulting the deceased with fists and blows. At that time, the co-accused Dinesh caught hold of a wooden log lying nearby and gave a blow on the head of the deceased, due to which the deceased succumbed to the injury. It is further alleged that the present applicant, with the help of Dinesh, took the dead body of the deceased and threw it into the valley. The record of the prosecution

indicates that, as the offence had taken place in a tribal area in the vicinity of a forest inside the valley, there is every possibility that wild animals must have eaten the body parts of the deceased, and therefore, only few pieces of the skull were available when the spot of the incident was visited and the inquest was drawn.

4. Learned Advocate appearing for the applicant submits that the alleged incident had taken place for the reason that the deceased was a habitual drunkard and used to assault his wife regularly including on the date of the incident as he was assaulting his wife from the morning. The present applicant and the son of the deceased intervened and because he continuously has been harassing the entire family, due to annoyance, they started hitting him with fists and blows. He further argues that the allegation of assault on the head with the help of a wooden log at the behest of co-accused Dinesh. He submits that there was no preparation, premeditation or any intention to commit murder. The assault by the co-accused son is his own decision, taken at the spur of the moment. The present applicant is alleged to have assaulted the deceased only with fists and blows. He further argues that there is no material to indicate that the present applicant had participated in the disposal of the dead body in the valley. He thus submits that the applicant is in jail since 07.01.2026 and has been inside for the

last 10 months. The investigation is completed and custody of the present applicant is henceforth not required.

5. Learned APP, however, opposed the application by stating that the statements of the witnesses collected by the prosecution clearly indicate that the applicant was present when the assault was taking place. The applicant has also been attributed a specific role of assaulting the deceased. The applicant along with the co-accused carried the deceased inside a hut and thereafter committed the murder and disposed of the dead body in the valley. Thus, he argues that the application be rejected.

6. I have perused the entire charge sheet and the material and statements of the witnesses collected by the prosecution. No doubt, the allegations are serious. However, while considering the bail application, the Court has to examine the material connecting the particular applicant with the alleged offence and the necessity of continued detention. The distinction between the roles attributed to the two accused persons, i.e. the present applicant and the co-accused Dinesh assumes significance in the present case. The assault with the wooden log on the head of the deceased is attributed to the co-accused Dinesh while the allegation against the present applicant is that he assaulted the deceased with fists

and blows. The material, therefore, does not indicate that the applicant is instrumental in inflicting the blow which resulted in the death of the deceased. No doubt, the distinction by itself does not exclude joint liability. However, whether there was any premeditation or conspiracy is a matter which will have to be proved after leading evidence by the prosecution. The medical material as explained during the hearing also requires a careful consideration. The inability to ascertain the cause of death does not establish that the death was accidental, nor does it exclude the possibility of a homicidal death being proved through other evidence. Equally, the post-mortem examination does not presently furnish a definite medical opinion connecting the death with the particular assault attributed to the applicant. The initial information concerning a fall into the valley and the subsequent allegation of murder will have to be considered together with the remaining evidence. Neither account can be conclusively accepted in these proceedings. In my considered view, it would be premature to conclude that the fragmented condition of the remains was the result of deliberate destruction by the accused. Animal activity in the hilly area was suggested during the hearing, but that explanation likewise cannot be accepted as an established fact. The allegation concerning the disposal of the dead body must be assessed on the evidence supporting it rather than merely on the

condition in which the remains were recovered. Considering the particular role attributed to the present applicant, the limitations of the medical record, the circumstances in which the allegation of murder emerges, and the custody undergone by the applicant since 07.01.2026, I am satisfied that the applicant deserves to be released on bail, subject to conditions securing his attendance and protecting the witnesses. Hence, the following order : -

ORDER

(i) The Bail Application is allowed.

(ii) The applicant - Saysing Vesta Valvi shall be released on bail in Crime No.003 of 2026, registered with Mhasawad Police Station, District Nandurbar, for the offence punishable under Sections 103(1), 238 read with Section 3(5) of the Bharatiya Nyaya Sanhita (BNS), on furnishing a personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one or two solvent surety in the like amount, subject to the following conditions :

a) The applicant shall attend the concerned police station on the first Monday of every month between 10:00 a.m. and 02:00 p.m. till framing of charge and thereafter shall regularly attend each and every effective date before the Trial Court, unless his attendance is specifically exempted.

b) The applicant shall not, directly or indirectly, contact, threaten, induce or influence the informant or any

prosecution witness and shall not tamper with the prosecution evidence.

c) The applicant shall furnish his current residential address and mobile numbers to the Investigating Officer and the Trial Court within seven days of release, intimate any change forthwith.

d) The applicant shall not involve himself in any offence of a similar nature while on bail.

f) Breach of any of the above conditions shall entitle the prosecution to apply for cancellation of bail.

(iii) All observations in this order are prima facie and confined to the decision of this bail application. The trial Court shall decide the case independently on the evidence led before it.

(iv) The Bail Application is disposed of in the above terms.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale