IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1663 OF 2026

Bamnya Pashya Raut ..APPLICANT

VERSUS

State of Maharashtra ..RESPONDENT

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Mr. G.D. Jain, Advocate for applicant
Mr. S.V. Hange, 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.

2. The present application, seeking regular bail of the applicant, who came to be arrested on 02nd April, 2026, is filed in connection with F.I.R. bearing Crime No. 65 of 2026 registered with Molgi Police Station, Dist. Nandurbar for the offences punishable under Sections 103(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. Learned counsel for the applicant submits that Accused No.2, who happens to be the wife of present applicant, has been released on anticipatory bail.

4. Prosecution story in brief is that the deceased, who in the nephew of the informant, was a mentally retarded person. On the date of incident, in the night at about 03:00 a.m., the deceased entered into the house of present applicant, due to which it is alleged that the present applicant and his wife – Accused No.2 tied the deceased to a cement pole inside their house and brutally assaulted him, due which he sustained several injuries and succumbed thereto. When the said incident was reported to the police, the police reached the spot, freed the deceased and took him to the hospital, where he was declared dead. The informant, after getting knowledge about the said assault, reached the hospital where she saw the deceased. The offence thereafter came to be registered at the instance of the informant.

5. The investigation proceeded. The statements of neighbouring witnesses have been recorded, who are consistent to state that the deceased was tied to a cement pole inside the house of present applicant and was suffered with injuries. There is no eye witness, who has actually seen the assault and therefore, there is no material available on record to show that the applicant inflicted the assault on the deceased. The applicant came to be arrested on 02nd April, 2026. It is the matter of record that wife of the applicant i.e. Accused No.2 has been granted anticipatory bail.

6. Taking into consideration the alleged role of present applicant and the fact that the deceased was found in the house of the present applicant tied

to a cement pole and suffered with injuries is a sufficient circumstance against the present applicant. However, the circumstance as to whether the applicant has assaulted the deceased or the co-accused assaulted the deceased and whether the injuries were so serious that they caused death of the deceased will have to be ascertained after the evidence is laid before the trial Court. Taking into consideration the fact that the applicant is in jail since 02nd April, 2026 and there is absolutely no criminal antecedent against the applicant, I am of the opinion that the applicant can be released on bail by imposing certain conditions. Hence, the following order :-

ORDER

(i) The Bail Application is allowed.

(ii) The applicant shall be released on bail in Crime No. 65 of 2026 registered with Molgi Police Station, Dist. Nandurbar for the offences punishable under Sections 103(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023, 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 Molgi Police Station, Dist. Nandurbar on first and last Monday of every month till conclusion of trial.

b) The applicant shall attend the trial Court on every date fixed, unless his attendance is specifically exempted.

c) 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.

d) The applicant shall furnish his current residential address and mobile number to the Investigating Officer and the trial Court within seven days of release, intimate any change forthwith, and attend the Investigating Officer upon prior written notice if further investigation is required.

e) The applicant shall not leave India without prior permission of the trial Court and, if they possesses passport, shall deposit the same with the trial Court within seven days of his release.

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

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

(iv) 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.

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

(HITEN S. VENEGAVKAR, J.)

SSD