IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1877 OF 2026

BABAN PARAJI DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. Sandip Ramnath Andhale, Advocate for Applicant
Mr. D. J. Patil, APP for Respondent – State

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 2nd NOVEMBER, 2026

PER COURT :

1. Heard learned Advocate for the applicant and the learned APP for the respondent – State.

2. The present application seeks regular bail for the applicant, who was arrested on 2nd May, 2025 in connection with Crime No.285 of 2025 registered with Parner Police Station, Dist. Ahilayanagar, for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita (BNS).

3. The prosecution story, in brief, is that the applicant and his wife used to have regular quarrels with each other. The applicant was a habitual drunkard, and on account of consuming liquor, there used to be quarrels between both of them. The informant is the daughter of the present applicant, who states that,

apart from the regular quarrels, the present applicant used to threaten her by saying that one fine day he would kill the deceased, i.e. his wife. Two days prior to the incident, the applicant and his deceased wife had left the house of the informant and proceeded in search of some agricultural work. On the date of the incident, the Sarpanch of the informant's village informed the husband of the informant that his father-in-law and mother-in-law were lying in the forest area and that they had sustained serious injuries. On learning this, the informant rushed to the spot, where she saw that the applicant had sustained serious injuries on his face and other parts of the body, while the deceased was lying on the ground with serious injuries on her forehead and other parts of the skull.

4. On making inquiries, the present applicant informed her that there was a quarrel between the deceased and the present applicant, during which both of them hit each other with stones. The deceased was rushed to the hospital, however, she was declared dead. The present applicant was provided treatment.

5. Learned Advocate for the applicant submits that the allegations are unsupported by any corroboration as to whether the applicant himself inflicted any wound on the deceased. In fact, going by the prosecution version, both the parties were aggressors,

in which even the applicant has been seriously injured. He submits that the applicant himself is 66 years of age as on date and the wife was 60 years old. The quarrel between the husband and wife over the consumption of liquor was a routine process. There is nothing on record to actually suggest what happened at that particular fateful time when the alleged incident has taken place. The investigation is completely silent on that aspect. In any event, he submits that, taking into consideration the age of the applicant, the fact that the investigation is complete and the charge-sheet is filed, coupled with the fact that there are absolutely no criminal antecedents against the present applicant, and that there is not even a whisper that the applicant is aggressive by nature, the application deserves to be allowed. The only allegation is that the husband and wife used to quarrel regularly with each other. There is nothing to show that the applicant is a threat to society. He submits that the application be allowed and that he be released on bail.

6. Learned APP appearing for the State submits that the applicant and the deceased were together when the incident has taken place. The confession of the applicant to the informant that both of them got into a quarrel and started hitting each other, out of which the deceased sustained injuries to her head which are

inflicted by the present applicant with the aid of a stone, is the cause of death of the deceased. Such direct evidence is available on record and, in such an eventuality, the applicant need not be released on bail.

7. I have perused the material on record by way of the charge-sheet and have also heard both the Advocates for the parties. Taking into consideration the material placed on record, no doubt, the allegations and the offence are serious and heinous in nature. Though the applicant is the husband, still, due to his habitual drinking habit, the alleged incident has taken place. However, from the prosecution story, it cannot be said as to which party was more aggressive. The applicant has also sustained serious injuries on his face. The confession of the applicant to the informant that the deceased also assaulted him with a stone and that the applicant also assaulted the deceased with a stone shows that both of them had equal aggression towards each other. In any event, without getting into the details of the allegations, taking into consideration that the applicant is not a hardened criminal, that the offence has erupted out of the quarrel between the husband and wife, and, secondly, the applicant himself is 66 years of age, has been in custody since 2nd May, 2025, the charge-sheet is filed, the investigation is complete, and there is no likelihood of the trial

commencing in the near future, I am inclined to allow the application.

ORDER

(i) The Bail Application is allowed.

(ii) The applicant Baban Paraji Deshmukh, shall be released on bail in Crime No.285 of 2025 registered with Parner Police Station, Dist. Ahilayanagar, for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita (BNS), on furnishing a personal bond of Rs.10,000/- (Rupees Ten Thousand only) with one or two solvent sureties in the like amount, subject to the following conditions :

a) The applicant shall attend the trial Court on every date fixed, 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 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.

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

e) 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