IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 CRIMINAL APPEAL NO. 768 OF 2026

VAIBHAV APPASAHEB KALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Mr. Pralhad Chagan Bhagure, Advocate for Appellant
Ms. P. J. Bharad, APP for the Respondent/State
Ms. S. S. Karle, Advocate for Respondents No.2 (Appointed)

CORAM : R. M. JOSHI, J.
DATED : 15th OCTOBER, 2026

PER COURT :-

1. The Appellant seeks regular bail in connection with Crime No. 285/2026, registered with Bidkin Police Station, District Chhatrapati Sambhajinagar for the offences punishable under Section 103(1) of the Bharatiya Nyaya Sanhita and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

2. The First Information Report was lodged by the mother of the deceased, stating that on 21.03.2026 along with her son Vishnu (the deceased), their relative Anil and the present Appellant consumed liquor together. However, Vishnu did not return home that night. On the following day, when the Informant inquired with Anil, he stated that he had no knowledge about Vishnu. Thereafter, the Informant and Anil made inquiries with several

persons in the village. After about two and a half months, Anil approached the Informant and informed her that the present Appellant had assaulted the deceased. On the basis of this information, an offence came to be registered against the Appellant.

3. Learned Advocate for the Appellant submits that, except for the statement of Anil, which was recorded after about two and a half months from the date of the incident, there is absolutely no evidence connecting the Appellant with the crime in question. It is submitted that the statement of Anil is wholly unreliable, particularly because he was accompanying the Informant in making inquiries with several persons regarding the incident and the culprit. It is further submitted that there is no conclusive evidence to establish that the deceased died a homicidal death and not an accidental death. The learned Advocate, therefore, seeks enlargement of the Appellant on regular bail. It is further submitted that the Appellant has no criminal antecedents and is not likely to flee from justice.

4. Learned APP and learned Advocate for the Informant opposed the appeal. Learned APP drew the attention of the Court to the statements of Anil and Ganesh in support of her contention that there is material indicating the involvement of the Appellant in the crime. She also drew the attention of the Court to the recovery of a wooden log at the instance of the Appellant under

Section 23(2) of the Bharatiya Sakshya Adhiniyam.

5. Learned Advocate for the Informant, apart from making oral submissions, placed written notes of arguments on record. It is her contention that there is sufficient material to *prima facie* indicate the involvement of the Appellant in a serious offence like murder. She placed reliance on the judgment of the Hon'ble Supreme Court in ***Prasanta Kumar Sarkar v. Ashis Chatterjee and Another, (2010) 14 SCC 496****

6. A *prima facie* perusal of the record indicates that the First Information Report came to be lodged belatedly, i.e., after about two and a half months from the date of the incident. The prosecution case is primarily based on the alleged statement of Anil, who was stated to have been in the company of the deceased and the Appellant at the relevant time. It is pertinent to note that Anil's statement came to be recorded after about two and a half months. The First Information Report itself indicates that Anil, along with the Informant, was making inquiries regarding the death of the deceased. In these circumstances, the contention of the learned Advocate for the Appellant that the statement of Anil is doubtful and does not inspire confidence cannot be disregarded at this stage.

7. Although the statement of Ganesh is on record, he has neither witnessed the incident nor has the Appellant made any confession to him. As

regards the recovery of the wooden log, the panchnama does not mention that the said wooden log was stained with blood. Moreover though the cause of death as shown in P.M. notes indicate “Blunt trauma on parietal region of head leads to intracranial bleeding” there is no specific opinion about this being case of homicidal death of deceased. This Court therefore finds no reason to discard submission of learned Advocate for Appellant that this could be case of accidental death. Thus, at this stage, there is no *prima facie* material on record sufficient to connect the Appellant with the crime of murder. The Appellant has no criminal antecedents. Hence, the following order:

ORDER

(i) Appeal is allowed.

(ii) Appellant in connection with Crime No. 285/2026, registered with Bidkin Police Station, District Chhatrapati Sambhajinagar for the offences punishable under Section 103(1) of the Bharatiya Nyaya Sanhita and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act shall be released on bail on furnishing PB and SB of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

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

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

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

8. Learned APP for the Respondent/State to communicate this order to the concerned Police Station.

9. The fees of the appointed learned Advocate is quantified at Rs. 10,000/-.

(R. M. JOSHI, J.)

ssp