



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1583 OF 2025

Billasing @ Amarsing S/o Hirasing
Chitodiya,
Age : 32 Years, Occu. : Labour,
R/o Chalisgaon, Tq. Chalisgaon,
Dist. Jalgaon
At Present Nanded.

.. Applicant

Versus

The State of Maharashtra

.. Respondent

Shri Shailendra S. Gangakhedkar, Advocate for the Applicant.
Shri G. O. Wattamwar, A.P.P. for the Respondent – State.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 26TH MARCH, 2026.**

FINAL ORDER :

. Heard both sides. Applicant is seeking enlargement on bail in respect of offence bearing Cr. No. 308/2023 registered with Vazirabad Police Station, Dist. Nanded for the offences punishable U/Sec. 302 of the Indian Penal Code r/w Section 4 and 25 of the Arms Act.

2. Applicant is arrested on 27.07.2023. The charge sheet was filed on 28.10.2023. The allegations against the applicant are that deceased use to run a food stall at Juna Mondha, Nanded. The deceased – Pritisinh is reported to be assaulted on 26.07.2023 and he was found to be in the pool of blood having

received injuries inflicted on chest, stomach and head by sharp weapon. The report was lodged against unknown person. During the course of investigation it revealed that there was old enmity between applicant and the deceased. The applicant used to threaten the deceased for paying him money for liquor. In the oral dying declaration made to Abhishekh Thakur the overt act of the applicant was disclosed.

3. Learned counsel for the applicant Mr. Gangakhedkar submits that there is no direct evidence and merely due to suspicion his client is implicated in the offence. It is submitted that the statement of Shubham and Abhishekh are not reliable. The supplementary statement of Pratapsing creates doubt about the dying declaration. Similar is the position with statement of Akshaysinh Kaushik and Yuvraj Thakur. It is submitted that the location of the spot of the incident as can be seen from spot panchanama would belie the prosecution story.

4. Per contra, learned Asstt. Public Prosecutor submits that there are statements of witnesses namely Shubham Thakur, Prakashsinh Parmar and Karansinh Parmar to show strong motive and *mens rea* of the applicant to eliminate the deceased Pritisinh. The statement of Abhishek, Akshay and Yuvraj are consistent and corroborate the prosecution story. There is oral dying declaration given to Abhishek and supplementary statements of the witnesses corroborate the prosecution story. Applicant is identified during the course of investigation. A

weapon has been recovered from him. The medical evidence supports the prosecution theory.

5. First information report and the statements of Prakashsinh, Karansinh, Akshaysinh and Yuvraj would disclose strong motive and conduct of the applicant due to old rivalry on the count of his demand of money for liquor. There used to be quarrel between deceased and the applicant. The statement of Abhisheksinh is in the form of oral dying declaration, which is natural and can be relied upon at this stage. The supplementary statement of Pratapsinh and Akshaysinh cannot be castigated just because the dying declaration was not spelt out at this stage of the proceedings. The statement of the witnesses are consistent with the prosecution story. Akshaysinh, Yuvraj and Tushar are the independent witnesses to support the prosecution theory. The role of the applicant is incriminating. Applicant is identified in test identification parade. A weapon is recovered from him.

6. I have gone through the postmortem report. There are in all 19 injuries noticed from column No. 17. The cause of death is stated to be stab injuries on chest and abdomen. Its case of brutal murder.

7. No case is made out by the applicant to exercise jurisdiction in his favour. He is likely to tamper the prosecution evidence and witnesses if released on bail. I find no merit in the

submissions of the learned counsel for the applicant. Bail application is rejected.

[SHAILESH P. BRAHME J.]

bsb/March 26