



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 BAIL APPLICATION NO. 1854 OF 2025

Narsinh Balajirao Kendre

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

Mr. P. D. Dadpe, Advocate holding for Ms. S. S. Tekale, (appointed) for
for Applicant.

Mrs. P. V. Diggikar, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 5th FEBRUARY, 2026.

PER COURT :

1. Applicant is seeking regular bail in connection with Crime No. 161/2023 registered with Malakoli Police Station, Dist. Nanded, for the offence punishable under Section 302 of the Indian Penal Code.
2. The case of the prosecution is that the informant is having two sons and two married daughters. It is alleged that the present Applicant used to complain the informant and his wife for allotting less land to his share and they are not taking steps and expending any amount for ensuring employment resultantly could not perform marriage. On these counts, Applicant used to threaten the family members.

On 23.10.2023 at about 12.00 midnight, Applicant returned back from Nanded and thereafter proceeded to farm. At about 2.30 am, when the informant was watering the crops, heard commotions of his wife, rushed towards the house where he saw Applicant was assaulting his wife/deceased with katti. When informant tried to intervene, Applicant threatened to kill him. Thereafter the deceased was taken to hospitals at Loha and Nanded where she succumbed to the injuries. On these allegations, the First Information Report came to be lodged.

3. Learned Counsel for the Applicant submits that the Applicant is falsely implicated in the alleged incident. Nothing is to be recovered from the Applicant. There are no criminal antecedents against the present Applicant. It is further submitted that the investigation in the crime is complete and Applicant is behind bar since 24.10.2023. Hence, prayed to allow the application.

4. Per contra, learned APP vehemently opposed the application by citing serious nature of the crime. It is submitted that mother of the Applicant has lost her life in the incident. The informant, who is the father of the Applicant, is an eye-witness to the incident which indicates complicity of the Applicant in the crime. Corresponding

injuries are noted in the Postmortem report and the cause of death is head injury. Further, blood stains are found on the cloths of the Applicant and blood stained weapon is also found on the spot. It is further submitting that on account of continuous disputes on the count of property, it is evident that the brutal act of committing murder of his own mother is premeditated one. An apprehension is expressed by learned APP that if the Applicant is enlarged on bail there is every possibility of tampering with prosecution evidence. Hence, prayed to reject the application.

5. Upon considering submissions of both sides and perusal of the record, including charge-sheet, it is *prima facie* evident that the informant has witnessed the incident of assault by present Applicant. Postmortem report confirms the corresponding injuries inflicted by the Applicant. Further, blood stained clothes were recovered at the instance of the Applicant and blood stained weapon was also found on the spot.

6. Perusal of record further indicates that prior to the incident there were quarrels between the Applicant and his parents on several occasions on the count of share in the property. It is further evident that the Applicant had given threats to his parents. Thus, the fact of

earlier quarrel on the ground of property between the Applicant and his parents coupled with the fact that the informant is eye witness to the incident and the postmortem reports indicates corresponding injuries, *prima facie* indicate complicity of the Applicant in the brutal act of committing murder of his mother. Moreover, if the Applicant is released on bail, the possibility that he may tamper with prosecution evidence cannot be ruled out.

7. The Applicant is facing the charge of murder which is punishable with death sentence or imprisonment for life. The Honourable Apex Court in case of Kalyan Chandra Sarkar and Ors. Vs. Rajesh Ranjan and Ors. [(2004)7 SCC 528], while laying down the guidelines for grant or refusal of bail in serious offences like murder, has observed as under :

“11. The law in regard to grant or refusal of bail is very well settled. The Court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for *prima facie* concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:
(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(c) Prima facie satisfaction of the Court in support of the charge. (See *Ram Govind Upadhyay v. Sudarshan Singh and Puran v. Rambilas.*)

Similarly, the Honourable Apex Court in case of Pralhad Singh Bhati Vs. NCT, Delhi **[(2001)4 SCC 280]**, held that on satisfaction of prima facie evidence establishing the guilt of the accused, the bail can be denied.

8. In the present case, the contents of FIR and statement of the informant sufficiently indicates complicity of the Applicant in the alleged crime. In pursuance to the said allegation, perusal of postmortem report discloses corresponding injuries on the body of deceased and the cause of death as 'head injury'. Moreover, the entire incident is witnessed by the informant. The applicant is involved in heinous act of having killed his mother on account of share in the property. Hence, there is motive on the part of the applicant. There is substantial material on record to indicate the complicity of the applicant.

9. In view of the aforesaid facts and the precedents, a prima facie case is established against the applicant and, therefore, dis-entitled

to claim the relief of bail. Hence, I am not inclined to exercise discretion in favour of the applicant.

10. Accordingly, the application is rejected.

11. Needless to state, the observations recorded hereinabove are limited to the extent of deciding this application and the trial Court shall not be influenced by the same and shall proceed with the case on its own merits.

12. The fees of the appointed Counsel for the applicant, is quantified at Rs.10,000/- (Rs.Ten Thousand) to be paid by the Secretary, High Court Legal Services Sub-Committee, Aurangabad, as per rules.

(SACHIN S. DESHMUKH, J.)

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