IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.2177 OF 2025

Dhondiba s/o Ramrao Mhetre … **APPLICANT**

VERSUS

The State of Maharashtra … **RESPONDENT**

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Mr. G.G. Suryawanshi, Advocate for applicant
Ms R.R. Tandale, A.P.P. for respondent – State

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WITH

BAIL APPLICATION NO.2246 OF 2025

Chandrakant s/o Laxman Mhetre … **APPLICANT**

VERSUS

The State of Maharashtra … **RESPONDENT**

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Mr. G.G. Suryawanshi, Advocate for applicant
Mr. P.P. Dawalkar, A.P.P. for respondent – State

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 5th FEBRUARY, 2026

PER COURT :

1. By these applications, the applicants seek release on regular bail in connection with Crime No.140/2025, registered with

Kandhar Police Station, District Nanded for the offences punishable under Sections 103, 3(5), 351(2) and 352 of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution case is that, on 9/5/2025, when the informant had been to Pardi to attend one marriage, at about 4.00 p.m., she received phone call from one Datta on which the deceased spoke with her and told that the applicants, in between 1.00 p.m. to 3.30 p.m., assaulted him by means of stone and fists and blows and also abused him in filthy language and threatened to lodge report under the Atrocities Act. It is alleged that, she told the deceased not to lock horns with the applicants and told him to go to hospital. On 10/2/2025, the nephew of the informant informed her that the deceased was admitted to Government Hospital at Pethwadaj. Therefore, she went there at about 2.00 p.m. and found the deceased had died.

3. Learned counsel for the applicants submits that, the incident occurred for the stifling reason and there was no premeditation. Therefore, urged to allow the application.

4. Per contra, the learned A.P.P. vehemently opposed the Bail Applications, submitting that there are eye witnesses to the

incident. The deceased was assaulted by four accused persons on two occasions. Therefore, for the second occasion, there was premeditation. Therefore, urged to reject the applications.

5. Having heard the respective counsel for both the sides and upon perusal of record including Charge Sheet indicates that, the F.I.R. was initially lodged by the mother of the deceased on the basis of suspicion against the present applicants. Eventually the applicants came to be arrested on the basis of CCTV footage, wherein the applicants have allegedly beaten the deceased with fist and kick blows. Furthermore, there are certain inconsistencies in the statements regarding use of stone by the accused in commission of the alleged offence. Moreover, the altercation appears to have taken place in the spur of moment and there is no use of lethal weapon. As such, prima facie, there is no premeditation on the part of the applicants.

6. Furthermore, the medical report attributes the cause of death as head injury which is likely to be caused by a blunt and sharp object. However, the medical officer has opined that the said injury is not likely to be caused by a stone, the allegations which are attributed against the applicants. Also, the opinion expressed

by the medical officer indicates to two other likely cause of death. Therefore, in absence of uniformity in the opinion of the medical officer regarding the cause of death, the applicants cannot be further detained solely on the basis of the CCTV footage.

7. Nevertheless, the veracity and reliability of the CCTV footage is an aspect of trial. Moreover, the investigation is complete for all intents and purposes and the recovery is carried out by the investigating agency. Considering the number of witnesses, the trial is not likely to conclude within a reasonable period. As such, further incarceration of the young applicants as undertrial prisoner is unwarranted. The apprehension of learned A.P.P. can be taken care of by imposing stringent condition upon the applicants.

8. Hence the order :

O R D E R

(i) Both the Bail Applications are allowed.

(ii) The applicants Dhondiba s/o Ramrao Mhetre and Chandrakant s/o Laxman Mhetre be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty

Thousand) each with one solvent surety of the like amount by each of them in the above crime, on the conditions that :

(a) The applicants shall not tamper with the prosecution witnesses.

(b) The applicants shall remain present on each date, unless exempted by the trial Court.

(iii) The applicants shall not enter the jurisdiction of village Pethwadaj, Taluka Kandhar, District Nanded except for the dates of attending the trial, till conclusion of the trial.

(iv) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

fmp/-