



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2443 OF 2025

BALU BUDHA BAGUL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicants : Mr. B. S. Doifode
APP for Respondent-State : Mr. P. P. Dawalkar

CORAM : SACHIN S. DESHMUKH, J.

Date : 23rd January, 2026

ORDER :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 30.05.2025 bearing Crime No. 195 of 2025 registered with Devpur West Police Station, Dist. Dhule for the offences punishable under Sections 103(1), 85, 115(2), 351(2), 351(3), 352, 49, 3(5), 61(2), 238 of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecutions case arises from FIR lodged on 30.05.2025 by Bhushan Shivaji Mahajan regarding the death of his sister Sharada. Deceased Sharada had married with accused No. 1 Kapil Balu Bagul on 08.06.2010 and resided in a joint family with his parents (accused No. 2 and 3) and his sister (accused No. 4).

3. The informant alleges that the marriage was marked by persistent domestic violence and liquor-fueled abuse by accused No. 1. The in-laws allegedly subjected the deceased to physical and mental cruelty over inadequate dowry gifts and her inability to conceive during the initial years of the marriage.

4. The prosecution further alleges that the harassment escalated significantly between 2017 and 2018, during which accused No. 1 allegedly extorted Rs. 2,00,000/- from the deceased's maternal family. Tensions further intensified when it was discovered that accused No. 1 was involved in an extra marital affair with accused No. 5 Pradnya. The deceased was reportedly assaulted whenever she opposed this relationship and it is alleged that accused No. 5 actively incited accused No. 1 to get rid of her.

5. The prosecution further alleges that the history of violence included a prior attempt by accused No. 1 to hang the deceased and a brutal assault in April 2024, leading to a complaint being filed with the Dakshata Cell at the S.P. Office on 11.06.2024.

6. On 29.05.2025, the informant received conflicting phone calls from accused No. 1, stating that Sharada was hospitalized and shortly after announcing her death. Upon reaching the residence, the informant was allegedly threatened by accused No. 1, who claimed responsibility for the killing. While the accused attempted to hasten the funeral rites, the informant intervened and demanded a post-mortem. The medical examination subsequently revealed that the deceased had suffered a grievous head injury and had been administered a stupefying substance. Accordingly, the FIR came to be registered on 30.05.2025.

7. The learned counsel for applicant submits that the entire prosecution story, as far as the present applicants are concerned, is based on vague and omnibus allegations. It is further submitted that the allegation regarding the "insulting treatment" and "repetitive household work" attributed to the applicants does not satisfy the ingredients of "cruelty" under Section 498-A or the higher threshold of abetment to murder.

8. The learned counsel for applicants submits that the

entire case based on circumstantial evidence. There are no eyewitnesses to the alleged administration of a "stupefying substance" or the infliction of the head injury. The applicants maintains that the death was an unfortunate accident / incident for which he is being scapegoated. The investigation is complete and the charge-sheet is filed. Hence, further incarceration of the applicant is unjustified. Hence, prayed to allow the application.

9. The learned APP has submitted that the applicants are charged with the heinous offense of murder under Section 103 of the BNS and dowry death under Section 80 of the BNS. The deceased died under highly suspicious and unnatural circumstances at matrimonial home.

10. The learned APP further submits that the post-mortem report reveals a grievous head injury and the administration of a stupefying substance. These findings strongly indicate a premeditated act to incapacitate the victim before inflicting a fatal blow, shifting the case from simple domestic cruelty to a case of murder. If the applicants are enlarged on bail, there is every possibility of tampering with the prosecution evidence. As such, prayed to reject the application.

11. Having heard the learned counsel for applicant and learned APP for State, the applicant is facing the charge of murder which is punishable with death sentence or imprisonment for life. The Hon'ble 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.).

12. The Hon'ble Apex Court in the case of **Mahipal Vs. Rajesh Kumar and Ors. (AIR 2020 SC 670)** has laid down the principle that bail can be refused when the material produced by prosecution establishes a clear prima facie case. The Court should not conduct a mini-trial; it should only examine whether the available evidence links the accused to the alleged offense.

13. Equally, the Hon'ble Apex Court in case of **State of UP through CBI Vs. Amaramani Tripathi [(2005)8 SCC 21]**, has held that the Court must evaluate the prima facie evidence showing the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused. As stated earlier, the prosecution has collected overwhelming evidence against the present applicant.

14. Similarly, the Hon'ble 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.

15. Similarly, the Hon'ble Apex Court in case of **Ram**

Govind Upadhyay Vs. Sudarshan Singh [(2002)3 SCC 598], has held that a judicial discretion in granting bail must not be exercised whimsically, especially in heinous offences.

16. The Hon'ble Apex Court in case of **Prasanta Kumar Sarkar Vs. Ashis Chatterjee [(2010)14 SCC 496]**, has held that the mechanical grant of bail reflects non-application of mind, and outlined eight crucial factors to be considered, including reasonable ground for belief in guilt, nature of evidence and possibility of justice being thwarted.

17. In the present case, the Post-Mortem Report is a critical factual document. The presence of a "stupefying substance" in the deceased's body prima facie indicates a calculated attempt to render the victim defenceless before the fatal assault. The prima facie evidence indicates toward a cold-blooded execution rather than a sudden provocation, making the accused ineligible for the leniency usually afforded in accidental death cases.

18. Moreover, the prosecution has established a prima facie motive for the crime. As the accused No. 1 was allegedly involved in an extra-marital affair with accused No. 5, reportedly incited the

accused No. 1 to get rid of the deceased. This transforms the case from a domestic dispute into a pre-meditated conspiracy to commit murder, significantly increasing the gravity of the offence.

19. The applicant's conduct immediately following the death is prima facie incriminating. By providing conflicting information to the informant and attempting to rush the funeral rites without a post-mortem, the accused demonstrated an intent to destroy forensic evidence.

20. The Hon'ble Apex Court in case of **State of Bihar Vs. Amit Kumar [(2017)13 SCC 751]**, has held that delay especially in cases involving serious offences, cannot by itself be a ground for bail.

21. Considering the material available, a prima facie case is made out showing the involvement of the accused. Equally, the Hon'ble Apex Court has consistently reiterated that when considering bail application/s in serious offences, such as pre-meditated murder, the Court must treat vital considerations like the nature of the charge and the nature of the evidence as paramount.

22. So far as the submission of the learned counsel for applicant in relation to delay in trial, the same cannot be considered in isolation. As has been held by Hon'ble Apex Court in case of **Amit Kumar** (supra), the delay especially in cases involving serious offences, cannot by itself be a ground for bail.

23. In view of the aforesaid observations and having regard to the gravity of the offence, I do not find merit in the present application and accordingly, the bail application is **rejected**.

24. Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi