



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

BAIL APPLICATION NO. 18 OF 2026

DATTA RAMPRASAD PAWDE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Sambhaji S. Tope

APP for Respondent : Ms. R. R. Tandale

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 13-02-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime/FIR No.210 of 2025 dated 20.05.2025 registered with Parbhani (Rural) Police Station, Taluka Parbhani, District Parbhani, for the offences punishable under Sections 103(1) of the Bhartiya Nyaya Sanhita, 2023. In the said crime, the applicant was arrested on 25.05.2025. After completion of the investigation, the chargesheet is filed.

2. The prosecution case is that the complainant lodged a report stating that his son, Santosh, was employed as a yearly labourer for field owner Siddhu Naybal. On 16.05.2025, at 08.15 hours, Santosh availed an amount of Rs.1 Lakh for well-related work and proceeded to the bank to withdraw additional funds. At 5.00 p.m., the complainant's son-in-law, Raju Haral, informed that Santosh was lying injured in front of Balu Pawde's house. The applicant transported him by ambulance to Parbhani and admitted him to the ICU; however, Santosh remained unconscious. On

19.05.2025, at 5.00 a.m., he succumbed to his injuries. Eyewitnesses stated that on the day of the incident, Santosh had been drinking with the accused and accompanied him to the accused's residence at 4.00 p.m. The accused's sister was present in the house. In the presence of the accused, Santosh allegedly asked the sister, whether she wanted to drink beer which provoked, the accused delivered blows with an iron rod to Santosh's head and face, causing serious injuries. As an eyewitness to the incident, the complainant subsequently lodged the report.

3. Learned counsel for the applicant submits that, initially, an Accidental Death (AD) report, Case No. 23 of 2025, was registered, and the present offence was only subsequently registered. The applicant has been falsely implicated in the crime. Furthermore, there is an unexplained delay of six days in lodging the report, suggesting that the prosecution's narrative is fabricated and concocted. The applicant has no criminal antecedents and, notably, it was the applicant, who admitted the deceased to the hospital. Having been incarcerated for the last seven months, the applicant maintains that there are no eyewitnesses to the incident and that the complainant is merely a hearsay witness. No motive has been attributed to the applicant for the commission of the offence, and there is lack of *prima facie* or direct evidence connecting him to the alleged crime. Hence, prayed that the

applicant be admitted to bail.

4. Learned A.P.P. has opposed the application and submitted that the offence is serious in nature. The body of the victim was recovered from the house of the applicant. There are eyewitnesses to the incident. If admitted to bail, the applicant would tamper with the prosecution witnesses and the evidence. Hence, prayed to reject the application.

5. Having heard the learned counsel for applicant and learned APP for State, the applicant is facing a serious charge of murder, for which potential punishment is with imprisonment for life or death. The Hon'ble Apex Court, in the 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 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.)

6. Similarly, the Hon'ble Apex Court in the 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.

7. The Hon'ble Apex Court in the 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.

8. Equally, the Hon'ble Apex Court, in the 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.

9. The Hon'ble Apex Court, in the 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.

10. In light of the aforesaid precedents and the facts of the instant case, *prima facie*, the deceased was last seen in the company of the accused while they were consuming alcohol. This circumstance is corroborated by the statements of witnesses who observed them together shortly before the incident. Moreover, a specific motive has been attributed to the applicant, as the deceased allegedly made an offensive query to the applicant's sister regarding the consumption of beer, which resulted into the subsequent assault.

11. The gravity of the offence is further underscored by the fact that the deceased was recovered in a critically injured condition from the residence of the accused before being moved to the hospital. *Prima facie*, the sister of the accused is an eyewitness to the incident, thereby establishing a direct link between the applicant and the crime. Consequently, there is sufficient and overwhelming, *prima facie*, evidence and apparent motive on the part of the applicant. Considering the nature of the allegations and the strength of the evidence on record, this court finds no merit in the request for leniency.

12. Accordingly, the bail application is rejected.

13. Needless to state 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.]