



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 151 OF 2026

Sachin Shivaji Suryawanshi

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. Y.G. Birajdar a/w Mr. N.S. Shinde, Advocate for applicant
Mr. A.R. Kale, Addl.P.P. for respondent – State
....

CORAM : RAJNISH R. VYAS, J.
DATE : 23rd MARCH, 2026

PER COURT :

. This is an application for grant of bail in connection with F.I.R. No. 157 of 2025 dated 11th September, 2025 with Gategaon Police Station, Dist. Latur for commission of offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023. The F.I.R. was registered by Kalyan Sarode, who was the real brother of deceased / Meera.

2. In short, it is the case of prosecution in the F.I.R. that the marriage of deceased / Meera had earlier taken place with one Mahado Kalunke, who had died and out of it the deceased was blessed with two daughters and one son. The present applicant, according to the prosecution, was having in illicit relationship with said Meera. The applicant used to suspect the character of

Meera. On 05th September, 2025, when the applicant alongwith Meera was going on the motorcycle, at about 07:30 p.m., the applicant gave elbow push to Meera and made her fall on the road. Thereafter the applicant parked his motorcycle and assaulted Meera on head by means of stick. At that time one Amol Sarvade/ another brother of Meera, heard the shouts and therefore, reached the spot of the incident and tried to rescue Meera.

3. The F.I.R. further states that Meera was taken to the hospital and on 10th September, 2025 she succumbed to the injuries.

4. In this background, learned counsel for the applicant submitted that the charge-sheet, if perused, would reveal that the story advanced by the prosecution falls short of prima facie showing that the applicant has committed the offence under Section 103(1) of the BNS. He submits that there is delay in lodging the F.I.R. and conduct of the witnesses would reveal that genesis of crime is tried to be suppressed.

5. Per contra, learned A.P.P. submitted that final report clearly reveals that it was the present applicant, who was the author of crime and even the query report shows that injuries which were sustained, were caused due to the weapon seized.

6. With the help of both the counsels, I have gone through the final report and have tested the arguments.

7. The incident in question had taken place on 05th September, 2025 at about 07:30 p.m. when the applicant and Meera were traveling on a motorcycle. At that time, the applicant pushed Meera by elbow and made her fall on the road. The applicant then parked his motorcycle and assaulted Meera on her head by stick. At that time, brother of Meera, Amol Sarvade had intervened and took Meera to the hospital, where she died on 10th September, 2025. The F.I.R. was lodged on 11th September, 2025 and the applicant was arrested on 12th September, 2025. So far as the informant is concerned, he is not an eye witness. It is the one more brothers of deceased viz. Amol Sarvade, who has narrated the incident to police on 17th September, 2025 i.e. after twelve days of the incident, as stated above.

8. At this stage, considering the scope of bail application, the material on record is not discussed at length, which may affect the conclusion of trial, but suffice it to say that though the incident had taken place on 05th September, 2025, the real brother / Amol had not taken any steps to inform the police authorities about the incident till 17th September, 2025. Not only this, if postmortem report is perused, it would reveal that the deceased had sustained in all fifteen injuries, out of which Injury Nos.1, 4, 5, 6, 7, 8, 9, 10,

11 and 12 are the abrasions, injury nos.2 and 3 is contusions, injury nos.13, 14 and 15 are puncture marks suggestive of intravenous access.

9. The weapon of crime i.e. stick was seized from the spot of incident and the query report was obtained. The query report dated 04th November, 2025 shows following opinion :-

“1. Injury no.1 to 8, 11 and 12 mentioned in Col.No.17 and injury no.1 and 2 mentioned in Col.No.19(i) are possible with above examined weapon or such kind of weapon.

2. Injury No.1 to 12 mentioned in Col.No.17 and injuries mentioned in Col.No.19 are possible by pushing off a person from moving motorcycle.”

10. If the aforesaid opinion is perused, it would reveal that the doctor has opined that the injuries are possible by the weapon, so also a person is pushed from the moving motorcycle. Thus, possibility cannot be ruled out that the deceased might have sustained the injuries due to the road accident. Considering the fact that there is delay in lodging of F.I.R., the conduct of real brother of deceased in not disclosing the incident for twelve long days to the police authorities, absence of prima facie material against the applicant either in form of an eye witness or circumstantial evidence and also considering that the applicant has no criminal antecedents and investigation is already completed, I am inclined to pass the following order :-

ORDER

(I) Bail application is allowed.

- (II) The applicant be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with solvent surety in the like amount, in connection with F.I.R. No. 157 of 2025 dated 11th September, 2025 with Gategaon Police Station, Dist. Latur for commission of offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023.
- (III) The applicant shall not influence the witness or tamper the evidence.
- (IV) The applicant shall attend Gategaon Police Station, Dist. Latur on every Thursday between 10:00 a.m. to 12:00 noon till decision of trial.
- (V) The applicant shall not leave State of Maharashtra without prior permission of the Court.

(RAJNISH R. VYAS, J.)

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