



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 192 OF 2026

Uday Murlidhar Bhil

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. S.R. Andhale, Advocate for applicant (appointed through Legal Aid)
Mr. G.O. Wattamwar, A.P.P. for respondents
....

CORAM : RAJNISH R. VYAS, J.
DATE : 17th MARCH, 2026

PER COURT :

. This is an application for grant of bail preferred by the sole accused in connection with F.I.R. No. 108 of 2025 dated 30th June, 2025 registered with Nardana Police Station, Dist. Dhule for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'B.N.S.').

2. It is the case of the applicant that bare perusal of record reveals that offence under Section 103(1) of the B.N.S. is not at all made out, since even according to the statement recorded of some of the witnesses, they came to know that the victim had fallen and thereafter telephonic call was made on Help Line No. 108, calling it to be an accident. He submitted that the accused

is arrested on 30th June, 2025 and charge-sheet is also filed. He then submitted that considering the material available on record, there is every likelihood that charge under Section 103 will be diluted.

3. Per contra, learned A.P.P. submitted that testimony of the child witness would clearly reveal that the accused has committed the crime. He further contended that the version advanced by brother of the accused cannot be taken into consideration and totally false story was advanced not only by brother, but also the accused himself. He has also submitted that incorrect information was supplied by brother of the accused to the hospital while admitting the patient. He, therefore, prays for rejection of the application.

4. With the help of respective counsels, I have gone through the record of the case. The F.I.R. dated 30th June, 2025 was registered at the instance of one Anil Girdhar More, who was the brother of deceased – Sunita, who has contended that marriage between the accused and Sunita was solemnized before twelve years and from marriage Sunita had three daughters and one son. In the F.I.R., it is stated that since there was marriage in the family of Sunita, she alongwith the accused and the children were intending to attend the same, but the daughter of the deceased informed mother of the complainant on 25th June, 2025 i.e. at about 9:00 a.m., when they were about to proceed for attending the marriage, quarrel took place

between the deceased and the accused. At that time the accused had assaulted the deceased on her head by means of tipar / wooden log, due to which blood started oozing from the injury. It was further alleged in the F.I.R. that the injured was taken in the hospital and on 29th June, 2025 where she succumbed to the injuries. There is only one eye witness to the incident i.e. the daughter / Archana, whose statement was recorded during the course of investigation.

5. The eye witness / Archana, who was studying in 4th standard and was ten years of age, had narrated the incident in Ahirani language. Since Mr. Bhadane, learned A.P.P. is well acquainted with Ahirani language, with his help I have gone through the statement of Archana. The said witness has stated that when she was at home, her mother / deceased had informed to her father / applicant that since they were going to attend the marriage, some money will have to be given there. On that, father / applicant replied whether he has a field of money with him. Thereafter the accused started hurling abuses, took a wooden log and hit on the head of mother / deceased. Consequently, blood started oozing. At that time the accused went away with the wooden log.

6. So far as another witness is concerned by name Bhikubai, who is the neighbour, she has submitted that on 25th June, 2025 crowd had gathered

near the house of accused and on being enquired, she came to know that the deceased had sustained injuries to the head, and therefore, was immediately taken to the hospital by an ambulance. The statement of brother of accused / Sanjay is also recorded by the investigating officer, who has stated that he came to know from the crowd gathered on the spot of the incident that the injured had fallen from the roof, and therefore, sustained the injuries to the head and consequently was taken to the rural hospital.

7. It is necessary to mention here that the wooden log was discovered at the instance of the applicant under Section 23(2) of the Bharatiya Sakshya Adhiniyam. The postmortem report shows that the deceased had sustained in all seventeen injuries, out of which injury nos. 1 to 4 are stitch wounds, whereas injury nos. 16 and 17 are therapeutic injection marks. What remains are Injury Nos. 5 to 15. If the testimony of eye witness is perused, it would reveal that the incident had taken place at the spur of moment. Whether there was intention to commit the crime or knowledge enough that the injury would cause death of the accused can be tested during the trial. Possibility cannot be ruled out that offence under Section 103 of the BNS can be diluted at the end of trial. The contention of learned A.P.P. that brother of accused has provided false information, will have to be tested at the time of trial. As it is the prosecution, who has recorded statement of the brother, it can be looked into at the stage of trial.

8. In the aforesaid background and considering the fact that investigation is already completed and there is prima facie case in favour of the applicant and version of the eye witness and the injuries sustained advances different story, I am of the opinion that accused is entitled to be released on bail. It is not even the case of prosecution that the applicant has criminal antecedents. In that view of the matter, following order is passed :-

ORDER

- (I) Bail application is allowed.
- (II) The applicant be released on bail on furnishing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with solvent surety in the like amount, in connection with F.I.R. No. 108 of 2025 dated 30th June, 2025 registered with Nardana Police Station, Dist. Dhule under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023.
- (III) The applicant shall not influence the witnesses and tamper the evidence.
- (IV) The applicant shall attend Nardana Police Station, Dist. Dhule on every Wednesday between 10:00 a.m. to 12:00 noon, till disposal of trial.
- (V) The fees of Mr. S.R. Andhale, learned counsel appointed to represent the applicant, be quantified by High Court Legal Services Sub-Committee, Aurangabad, as per rules.

(RAJNISH R. VYAS, J.)