



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

BAIL APPLICATION NO. 303 OF 2026

Baliram Kalyan Jagdhane,
Age : 31 Years, Occu. : Business/Private Job,
R/o Hariom Nagar, Ranjangaon
Shenpunji, Aurangabad .. Applicant

Versus

The State of Maharashtra .. Respondent

Shri Nilesh S. Ghanekar, Advocate for the Applicant.
Mrs. P. V. Diggikar, A.P.P. for the Respondent.

CORAM : SHAILESH P. BRAHME, J.
DATE : 24TH MARCH, 2026.

FINAL ORDER :

. Heard both sides. Applicant is seeking enlargement on bail in respect of offence bearing Cr. No. 176/2025 registered with Osmanpura Police Station, Aurangabad for the offences punishable U/Sec. 103(1), 109 of the Bhartiya Nyaya Sanhita, 2023 (for the sake of brevity and convenience hereinafter referred as to the "B.N.S.").

2. Applicant was arrested on 19.10.2025. Charge sheet was filed on 15.12.2025. After filing of charge sheet application was submitted for bail. After its rejection, he has approached this Court. The police papers especially first information report and statements of the witnesses reveal that incident occurred at the

residence of the applicant. Applicant's wife is stated to be having extramarital relations with the deceased. It is alleged that when applicant was away for duty, deceased had been to meet his paramour and stayed at night. In the morning at about 6.30 A.M., when applicant returned and saw deceased in the company of his wife, assault occurred. The blows are stated to be inflicted by tong/utensil gripper on the vital part of the deceased.

3. Learned counsel Mr. Ghanekar would submit that present case is not an offence U/Sec. 101 of the B. N. S., but it is either covered by exception No. 1 or exception No. 4. For that purpose my attention is adverted to the postmortem report and especially the injuries mentioned in column No. 17 showing multiple injuries. It is submitted that the crime has not been committed by any premeditation and weapon used is also from the household core.

4. Learned A. P. P. would submit that there are seven injuries on the vital part of the body. Direct evidence is available and the statement of minor Aditya has also been recorded besides statement of wife of the applicant. It is further contended that wife of the applicant is injured witness and her injury certificate corroborates the prosecution story. It is further contended that the weapon and the cycle are seized during the course of the investigation.

5. I have gone through the first information report,

statements of witnesses, statement of applicant's wife, statement of minor, postmortem report and injury certificate of the witnesses. It is evident from record that deceased was having extramarital relations with the wife of the applicant. The deceased was resident of Gangapur, whereas applicant and his wife are residents of Osmanpura, Chhatrapati Sambhajinagar. The incident occurred on early hours of 19.10.2025. when applicant returned from the duty and confronted the deceased in the company of his wife. First information report as well as statement of the applicant's wife would disclose that the couple was surprised because of the presence of the applicant and attempts were made to conceal the deceased. The assault by the tong/utensil gripper cannot be ruled out, but certainly it cannot be said to be a premeditated offence.

6. The postmortem report and especially column No. 17 discloses multiple injuries on head of the deceased. There is every material on record to infer that applicant might have lost his control by witnessing the deceased in the company of his wife and given multiple blows on the person of the deceased. *Prima facie* there is material to infer that case is covered either by exception 1 or exception 4 of Sec. 101 of the B. N. S.

7. No antecedents are reported against the applicant. This court cannot be oblivious of the inconsistencies of the statement recorded U/Sec. 183 of the applicant's wife and her statement U/Sec. 180 of the B. N. S. S. Considering overall material on

record, I find that there is sufficient incarceration of the applicant. His application deserves to be allowed. I, therefore, pass following order.

O R D E R

- A. The bail application is allowed.
- B. Applicant – Baliram Kalyan Jagdhane shall be released on bail in respect of Cr. No. 176/2025 registered with Osmanpura Police Station, Aurangabad for the offences punishable U/Sec. 103(1), 109 of the Bhartiya Nyaya Sanhita, 2023 on condition of furnishing P. R. bond of Rs. 50,000/- (Rs. Fifty thousands only) with one solvent surety of like amount.
- C. The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.
- D. He shall furnish his mobile/cell number and address to the Investigating Officer.
- E. Bail application is disposed of.

[SHAILESH P. BRAHME J.]