



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 BAIL APPLICATION NO. 364 OF 2026

1. BHARAT RAJENDRA SHINDE
2. RAJENDRA RAMCHANDRA SHINDE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Wagh Ishwar Kalyan.

APP for Respondent/State : Mr. G. O. Wattamwar.

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CORAM : SHAILESH P BRAHME, J.

DATE : 25.03.2026

PER COURT :-

1. Heard both sides.
2. The applicants are seeking bail in respect of offence bearing Crime No.123 of 2025, registered with Bhadgaon Police Station, District Jalgaon for the offences punishable under Sections 103(1), 115(2), 352, 3(5) of B.N.S.
3. Applicants are behind bars since 09.04.2025. Charge-sheet is filed on 18.06.2025. They are unsuccessful in their attempt to secure bail before the Sessions Court. What reveals from the First Information Report lodged at the instance of Police Patil Mr. Sunil Patil that is deceased Balu is the son of applicant No.2. There were disputes in the family for the partition. There was ruckus amongst them on 08.04.2025 in

which deceased was being assaulted by the applicants by wooden stick and thereafter he succumbed to the injuries.

4. Learned counsel for the applicants submits that deceased was addicted to liquor and in all probabilities he might have suffered injuries due to fall. It is further submitted that the witnesses whose statement under Section 183 are recorded do not support the prosecution case. It is further submitted that applicants are the close relatives and they would not have resorted to any such drastic step. There is absence of *mens rea* in commission of offence.

5. Per contra, learned APP submits that there are eye witnesses whose version is consistent. The weapons are recovered. The weapon query certificate corroborates the prosecution story. The statement of the wife of the deceased shows that a false narration was given to her. The injuries on the person would correspond to the allegations.

6. The relationship between the parties is not disputed. It transpires from record that there was family disputes and frequent quarrels over issue of partition. There was scuffle on the relevant date and the deceased was assaulted. *Prima facie* I do not find any convincing material to infer any *mens rea* to do away with deceased. The couple of eye witnesses whose

statements under Section 183 are recorded are not supporting prosecution story, albeit they are the relatives.

7. Another glaring aspect of this matter is that the reason for the assault is some *inter se* family issues. No criminal antecedents are reported against the applicants. I do not find any *per se* danger to the society at large if the applicants are enlarged on bail imposing certain conditions.

8. During the course of argument, learned counsel Mr. Wagh for the applicants, on instructions of his clients vehemently makes a statement that applicants are ready to look after wife and child of the deceased. Applicant No.2 Rajendra being grandfather of the child is ready to provide maintenance of Rs.3,000/- per month.

9. Applicants shall furnish undertaking to that effect to this Court within two (2) weeks from today. Hence, I pass the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Nos.1. **BHARAT RAJENDRA SHINDE** and 2. **RAJENDRA RAMCHANDRA SHINDE** shall be released on bail in Crime No.123 of 2025,

registered with Bhadgaon Police Station, District Jalgaon for the offences punishable under Sections 103(1), 115(2), 352, 3(5) of B.N.S. on furnishing P. R. bond of Rs.15,000/- (Rupees fifteen thousands only) each with one solvent surety of like amount each on the following conditions :

- (a) The applicants shall not tamper the prosecution evidence and the witnesses.
 - (b) The applicants shall co-operate the Investigating Officer for furnishing any information, if required.
 - (c) The applicants shall furnish undertaking as referred above before the Trial Court within a period of two (2) weeks from today.
 - (d) It would be open for the Trial Court to oversee the compliance of the undertaking.
- (iii) Bail application is disposed of accordingly.

(SHAILESH P. BRAHME, J.)

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vmk/-