



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 BAIL APPLICATION NO. 383 OF 2026

Vishal s/o Raju Wagh,
Age 25 years, Occ. Labour,
R/o. Wagh Vasti, Kashti Station
Shrigonda, Dist. Ahmednagar

... Applicant

VERSUS

State of Maharashtra

... Respondent

...
Advocate for Applicant : Mr. Aniket Bhosale h/f Mr. Surse Sunil B.
APP for Respondent : Mr. G.O. Wattamwar

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 26.03.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No. 935/2025 registered with Shrigonda Police Station, Dist. Ahilyanagar, for the offences punishable under Section 103 (1), 3(5) of the Bharatiya Nyaya Sanhita.

3. The applicant is arrested on 19.10.2025. Charge-sheet is filed on 16.01.2026. The incident occurred at Wagh Wasti Kashti Tq. Shrigonda, Dist. Ahilyanagar. It is alleged that on 13.10.2025 informant's father Shivaji was assaulted by applicant and his father by wooden stick. The reason for assault as mentioned in the F.I.R. is resistance shown by the deceased for picking up the child, as the applicant is alleged to have been drunk.

4. The learned counsel for the applicant submits that there is no

documentary evidence. No dying declaration was recorded despite having opportunity. It is a case of false implication. Alternatively, it is submitted that the incident occurred in a spur of moment and case would be covered by exception of Section 101 of B.N. S.

5. Per contra, learned A.P.P. vehemently submits that there is no reason for witness Arjun to involve the applicant and father. His version is oral dying declaration. The condition of the deceased was critical and there was no occasion to record dying declaration. The injuries recorded in the postmortem report correspond to the prosecution story.

6. It reveals from record that the applicant, co-accused, informant and deceased are blood relatives. They are resident of same Wasti and they were knowing each other. The deceased is alleged to have been assaulted by stick. The injuries, as can be seen from postmortem report would disclose that death was caused due to assault by stick.

7. The stick used for commission of the offence is recovered from the spot. No weapon query certificate is secured by the investigating officer. There is no reason to infer that there was *mens rea* to commit murder of the deceased. Equally it is true that there is no reason to doubt the statement of Arjun. Considering the nature of assault and the weapon used, there is reason to infer that the attack was not per-meditated. Feeling insulted by branding him drunk the applicant and another accused might have been committed the offence. Nothing in the police papers would indicate that there was any previous enmity. No antecedent is reported against the applicant. I find that the applicant is entitled for bail.

8. Bail Application is allowed.

9. The applicant shall be released on bail in connection with Crime No. 935/2025 registered with Shrigonda Police Station, Dist. Ahilyanagar, for the offences punishable under Section 103 (1), 3(5) of the Bharatiya Nyaya

Sanhita, on following conditions:

- (a) The applicant shall furnish P.R. bond of Rs. 25,000/- (Rs. Twenty Five Thousand only) with one solvent surety of like amount.
- (b) The applicant shall not tamper with prosecution evidence in any manner.
- (c) The applicant shall furnish his address and contact number to the investigating officer.
- (d) The applicant shall stay away from entire Shrigonda Taluka, till conclusion of the trial, save and except attending the criminal trial.

10. Bail application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-