



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 413 OF 2026

Sudhir Ambrushi Kale,
Age 40 years, Occ. Business,
R/o. Sukta Tq. Bhoom, Dist.
Dharashiv

... Applicant

VERSUS

- 1) The State of Maharashtra,
Through Officer Incharge
Police Station Paranda,
Dist. Dharashiv.
- 2) The Superintendent of Police,
Dharashiv

... Respondent.

...
Advocate for Applicant : Mr. Kawade Shrikant G.
A.P.P. for Respondent/State : Mr. C.V. Bhadane

CORAM : SHAILESH P. BRAHME, J.

DATE : 28.04.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No. 90/2024, registered with Paranda Police Station, District Dharashiv, for the offences punishable under Sections 302 of the Indian Penal Code.

3. It is reported that informant's brother Ram had illicit relations with applicant's wife and they had eloped before eight days. The informant's father Uttam and applicant proceeded to search for the couple. It is alleged that on 26.04.2024, dead body of Uttam was found on the road of Saket (Bk) to Samangaon in badly injured condition. On further enquiry the

informant learnt that on 25.04.2024, during search applicant and deceased Uttam had quarrel and deceased was stoned to death, which was witnessed by one Astik Bobade.

4. Learned A.P.P. raised preliminary objection that already trial has commenced and in all, nine witnesses have been examined. No indulgence can be granted infavour of the applicant.

5. Learned counsel for the applicant submit that in all 27 witnesses are cited by the prosecution and out of that only nine witnesses are examined. The star witness Astik Bobade, who is the eye witness, did not support the prosecution. His deposition is tendered on record. It is submitted that there is no incriminating material against the applicant. Astik Bobade was the only person, who was present at the relevant time. His supplementary deposition would disclose that applicant and deceased Uttam were drunk at the relevant time. Applicant is falsely implicated in the case.

6. Learned A.P.P. would further submit that the statements of Kantilal and Ram Shinde would corroborate the prosecution story. These were the persons, who immediately rushed to the spot on receiving information from eye witness Astik Bobade. The presence of Astik Bobade is established. The postmortem report shows fatal injuries stated in column no. 17 and 19. The statement of Satish is very clinching, before whom applicant confessed to have committed murder of Uttam.

7. In the present case Astik Bobade was the eye witness. He was examined before the Trial Court as P.W. 7. The deposition placed on record would indicate that he did not support the prosecution and permission was solicited to conduct his cross-examination. The substantive evidence of P.W. 7 is not supporting the prosecution case. In the absence of any direct evidence, it is difficult to fathom the culpability of the applicant.

8. I have gone through statement of Kantilal and Ram Shinde. Those

persons had immediately rushed the spot by calling of Astik Bobade. They cannot be said to be eye witnesses but their evidence is relevant to show that Astik was present at the relevant time. The implication of the eye witness not supporting the prosecution case can be gone into during the course of trial.

9. My attention is adverted to recovery of stone as well as the injuries stated in column No. 17 and 19 of the postmortem report. The report and the recovery can be said to be corroborative piece of evidence, but for that purpose prosecution would be under obligation to bring on record clinching material to connect the applicant to the commission of the offence. *Prima facie*, I find that there is missing link to show the involvement of the applicant. Mere motive and recovery would not bring home the guilt of the accused.

10. Under above peculiar circumstances, though the trial is underway, I have caused my indulgence and now I am inclined to grant relief to the applicant. There are in all 27 witnesses, which are to be examined. I, therefore, pass following order.

11. The Bail Application is allowed.

12. The applicant **Sudhir Ambrushi Kale** shall be released on bail in connection with Crime No. 90/2024, registered with Paranda Police Station, District Dharashiv, for the offences punishable under Sections 302 of the Indian Penal Code on following conditions :

(a) The applicant shall furnish P.R. bond of Rs. 50,000/- (Rs. Fifty Thousand only) with one solvent surety of like amount.

(b) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(c) The applicant shall furnish his mobile/cell number and address to the investigating officer.

(d) The applicant shall punctually attend the dates of the trial and shall cooperate for expeditious disposal of the trial.

(e) Any default on his part would entail the action for cancellation of bail.

(f) The applicant shall surrender his Aadhar card and PAN card to the investigating officer.

13. Bail application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-