



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 BAIL APPLICATION NO. 502 OF 2026

HANUMAN KAMAJIRAO AMBHORE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Salunke Sudarshan J.

APP for Respondent/s-State : Mr. S. V. Hange.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 17.04.2026

PER COURT :-

1. Heard both sides.
2. The applicant is seeking bail in respect of offence bearing Crime No.79 of 2025, registered with Palam Police Station, District Parbhani, for the offences punishable under Sections 103(1), 311, 137(2), 118(2) read with 3(5) of Bharatiya Nyaya Sanhita.
3. The applicant is arrested on 05.03.2025. Charge-sheet is filed on 17.06.2025. The co-accused are released on bail who are identically placed. It is submitted by learned counsel Mr. Salunke that case is based on circumstantial evidence and there is no *prima facie* material to connect the applicant with crime. Applicant cannot be said to have been last seen together

with deceased Balasaheb. The recovery of a gold ring or the mobile cannot per se connect applicant to the commission of offence.

4. Per contra, learned APP would avert my attention to the statements of goldsmith, Govind and recovery of mobile and ring. The belongings of the deceased are found in possession of the applicant which is said to be unexplained. The post mortem report shows that, the deceased suffered brutal attack as there were as many as 17 injuries. The death is reported to be due to head injury. There is sufficient material to make out the theory of last seen together.

5. Learned APP also drawn my attention to the instructions issued by Joint Director, Health Services, Hospitals (State), Mumbai in pursuance of the directions issued by Nagpur Bench in Public Interest Litigation No.3 of 2013. The Post Mortem Report in the present matter is hand written which is against the instructions issued. The stakeholders are obliged to follow the instructions issued by Higher Authorities that too in pursuance of the directions of High Court in Public Interest Litigation. Post Mortem Reports would be dealt with by the Courts, Investigating Agencies, lawyers and the litigants. The reports should be legible. The Investigating Officer also owes

the duty to advert attention of the Medical Officer in case the report is in hand written so as to get it typed before presenting it before the Court.

6. It is reported to the police that informant's father did not return home from evening of 04.03.2025. It was informed by one of the villagers to the informant that his father was found injured. After reaching the spot, injured was shifted to the hospital. It was disclosed by him to the informant that Tukaram and persons named as Ambhore from Tadkalas and others assaulted him by stone. The law was set into motion and it revealed that applicant and other co-accused committed murder of Balasaheb.

7. The complicity of the applicant is tried to be established by the statements of Shahane, the goldsmith who was sold a gold ring of 5.08 gram on 04.03.2025 by the persons. One Govind Kadam is said to be known to applicant. The statement of Govind Kadam shows that applicant had been to his place for selling a golden ring. Lateron, the ring was recovered at the instance of applicant. The mobile handset of the deceased is also recovered from the applicant. Except that, there is no material to connect the applicant with crime. The purport of the recovery of gold ring and mobile can be gone into during

the course of trial. I am of the considered view that this is not sufficient at this stage to deny bail to the applicant.

8. The reliance is placed on CCTV footage which was collected during the course of investigation. The deceased is seen in the company of the accused for having liquor at the shop where the camera was installed. The presence of the applicant is not seen. The last seen theory has not been made out from the document on record at this juncture.

9. This Court cannot overlook that applicant, co-accused and the deceased were knowing each other and there appears to be camaraderie at least for having liquor. A transcript of the video collected from mobile handset of applicant shows that on 03.03.2025 at 4.30 p.m. they were enjoying wrestling. Therefore, I am not impressed by submission that the articles of the deceased were found with applicant. The persons who were seen in the company of the deceased have been granted bail namely Haribhau, Kashinath, Jagannath etc. There is sufficient incarceration. Applicant is entitled for bail. Hence, I pass the following order :

ORDER

- (i) Bail Application is allowed.

- (ii) Applicant **HANUMAN KAMAJIRAO AMBHORE** shall be released on bail in Crime No.79 of 2025, registered with Palam Police Station, District Parbhani, for the offences punishable under Sections 103(1), 311, 137(2), 118(2) read with 3(5) of Bharatiya Nyaya Sanhita on furnishing P. R. bond of Rs.30,000/- (Rupees thirty thousands only) with one solvent surety of like amount on the following conditions :
- (a) The applicant shall not tamper with the prosecution evidence and contact the prosecution witnesses.
 - (b) The applicant shall surrender his Aadhar Card and PAN Card to the Investigating Officer, if any.
 - (c) The applicant shall co-operate for expeditious disposal of the trial and attend the dates punctually.
- (iii) Bail application is disposed of accordingly.

(SHAILESH P. BRAHME, J.)

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