



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

BAIL APPLICATION NO. 541 OF 2026

Datta Gangadhar Barve,
Age : 31 Years, Occu. : Agriculture,
R/o Sambhaji Nagar, Tq. Sonpeth,
Dist. Parbhani. .. Applicant

Versus

The State of Maharashtra and another .. Respondents

Shri Sudarshan J. Salunke, Advocate for the Applicant.
Mrs. P. V. Diggikar, A.P.P. for the Respondent – State.

CORAM : SHAILESH P. BRAHME, J.
DATE : 06TH APRIL, 2026.

FINAL ORDER :

. Heard both sides. Applicant is seeking enlargement on bail in respect of offence bearing Cr. No. 174/2025 registered with Sonpeth Police Station, Dist. Parbhani for the offences punishable U/Sec. 3(5), 351(2), 352, 49, 103(1) of the Bhartiya Nyaya Sanhita, 2023.

2. It is reported to the police that there were interese disputes in the family of the informant regarding the share in the property left behind by the grandfather Baburao Barve. The dispute was in respect of occupation of part of the ancestral house. The accused persons were against deceased Mahaveer, who was given more share in the property and who refused to

vacate part of the house. It is alleged that the dispute was amicably settled on 10.06.2025. In the evening Mahaveer was taken to the field by co-accused – Samadhan and applicant and thereafter he did not return. It was reported that Mahaveer was found dead. The applicant and co-accused Samadhan are alleged to have committed murder.

3. The applicant is seeking bail on the ground of parity as co-accused Suryakant was enlarged on bail. Learned counsel Mr. Salunke submits that knife was recovered at the instance of the co-accused – Samadhan and the clothes at the instance of the applicant. The theory of last seen together which is tried to be established by transcription of CCTV footage is very weak piece of evidence. On the contrary it supports the defence. There is no motive or *mens rea* because the dispute was already settled. The grounds of arrest have not been informed to the applicant.

4. Per contra, learned A. P. P. submits that there was strong motive due to the disputes over the properties. The deceased was last seen in the company of the applicant and the co-accused, which is corroborated by statements of Latabai Gunwant Hake, Kishabai Baburao Barve and Sushilabai Ramrao Sot. The blood stained cloths were seized at the instance of the applicant. The weapon query report is also incriminating. My attention is also adverted to the column No. 17 of the postmortem report to show seven injuries inflicted to the deceased.

5. The relationship amongst informant, witnesses, deceased

and accused is not disputed. They are lenient descendants of Baburao Barve. He had partitioned his properties amongst daughters and sons. Daughters were allotted 03 acres each and sons were allotted 06 Acres each. One of the daughters – Kishabai allotted her 03 acres to the deceased Mahaveer. The ancestral house was in the possession of the deceased and other members of the family. On 10.06.2025, there was meeting of the members of the family and the dispute was settled amicably. The motive as alleged by the prosecution appears to be dicey. The deceased was in the company of applicant and Samadhan and had a liquor with them.

6. The transcript panchanama of CCTV footage of the camera installed at Hotel Sugam shows that deceased and the accused had been to hotel and had enjoyed liquor. They had left at 4.29 PM on 10.07.2025. Thereafter, again applicant and co-accused – Samadhan are seen to have entered the hotel for collecting parcel of liquor. There is no material on record to show that after leaving hotel, the deceased was in the company of the applicant and co-accused. The case is based on the circumstantial evidence. The theory of last seen together needs to be gone into during the course of trial.

7. The seizure of blood stained cloths at the instance of the applicant and weapon query report would not be decisive factor to deny bail to the applicant. Applicant is behind bard since 11.06.2025. The Coordinate Bench enlarged co-accused –

Suryakant on bail vide order dated 15.12.2025. The further incarceration is not required. Hence applicant is entitled to be released on bail. I, therefore, pass following order.

O R D E R

- (i) Bail application is allowed.
- (ii) Applicant - Datta Gangadhar Barve be released on bail, on furnishing PB and SB of Rs.50,000/- (Rs. Fifty thousands only), with one solvent surety of the like amount, in Crime No.174/2025 registered with Sonpeth Police Station, Taluka Sonpeth, District Parbhani, dated 11.06.2025, for the offences punishable under Sections 103(1), 49, 351(2), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 on the conditions that,
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
 - (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
- (iii) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

[SHAILESH P. BRAHME J.]

bsb/April 26