

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1949 OF 2025

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Nilesh Amrut Bendar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rajas Naik, for the Applicant.

Mr. S. V. Gawand, Addl. PP, for the Respondent-State.

CORAM: HITEN S. VENEGAVKAR, J.

DATED : 24th APRIL 2026

PC:-

1. The present Applicant is seeking bail in connection with C.R. No.156 of 2023 registered with Kasa Police Station, District-Palghar for the offence punishable under Section 302 of the Indian Penal Code, 1860.

2. The present Applicant came to be arrested in connection with the above referred offence on 7th October 2023 and since then he is lingering in jail till date. On enquiry from the learned Additional Public Prosecutor and the learned Advocate for the Applicant, it is informed that the trial has not yet began and the charges are yet to be framed.

3. It is alleged that on 6th October 2023, the Informant received a phone call from the son of his maternal aunt namely Vishwas Devu Gojra informing that there is quarrel which has taken place in his house. The Informant therefore, made a phone call to his wife and enquired about the said quarrel and he was told by his wife that the present Applicant had been to their house and started assaulting the deceased-Ratna who was his grandmother on the pretext that his father and his elder uncle have already expired and why she is alive till date and therefore, he intends to kill her. By saying so, the Applicant started assaulting the deceased-Ratna with a wooden stick. Due to the said assault, deceased-Ratna suffered CLW injuries on the left upper limb at lower end of humerus.

4. The record indicates that the incident has taken place at around 06:00 p.m.. The Complainant received the information on telephone at about 06:30 p.m. and he reached the place of incident at 08:00 p.m.. When he saw that the deceased was lying with bleeding injuries, on inspecting her breath, he found that she was not breathing and there was absolutely no movement. He therefore, took the deceased to the hospital, where she was declared dead.

5. The medical reports and the final opinion given by the Doctor suggested that the cause of death is shock due to hemorrhage due to fracture of both upper limbs and CLW injuries on the left upper limb at lower end of humerus. It has also stated that death has occurred before 15 to 18 hours of postmortem report.

6. Taking into consideration that the Applicant is 33 years of age and the assault has been caused on the lower limbs of the body causing bleeding injuries, it cannot be said that the Applicant had any real intention of causing death of the deceased. The deceased who was 80 years of age sustained bleeding injuries which were not treated immediately and there is possibility that the death has been caused due to excessive bleeding.

7. Thus, I am of the opinion that the Applicant who has been in a jail since 7th October 2023 can be enlarged on bail by imposing stringent conditions.

ORDER

(a) The Applicant- Nilesh Amrut Bendar be released on bail in connection with C. R. No.156 of 2023

registered with the Kasa Police Station, District- Palghar and presently lodged at Nandurbar jail on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Kasa Police Station, District- Palghar on 4th Friday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

8. The Bail Application is disposed off accordingly.

[HITEN S. VENEGAVKAR, J.]