

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4831 OF 2025**

Akshay Vilas Hadal
Versus
State of Maharashtra

...Applicant

...Respondent

Mr. Tanoj Joshi, *with Shivani Gautam, Sumit Pal, for the Applicant.*

Ms. Anuja Sunil Gotad, *APP for the Respondent-State.*

Mr. Bharat Wanave, *PSI attached to Wada Police Station, present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 06TH JANUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 0228 of 2025 dated 24th May 2025 registered with the Wada Police Station, Palghar for the offences punishable under Sections 103(1) and 238 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') .

2. The case of the prosecution, is that, the Applicant is the son of the deceased. The deceased always used to harass the Applicant's mother and suspect her character. On many occasions, the deceased had beaten her up as well. On the fateful day, i.e., on 20th May 2025, while the Applicant and his mother were working on the farm, the Applicant's sister came running to the spot and told them that the deceased was carrying an axe; was in a drunken condition and was coming to beat up the Applicant and his mother. She implored them that they should run away to avoid beatings. The Applicant and his mother ran away but when they returned to their house at around 7.00 p.m., the deceased was waiting for them at home with an axe in his hand. The minute he saw his wife, i.e., the Applicant's mother, he jumped on her and started hitting on her neck with an axe. The Applicant went to save his mother; forcibly removed the axe from his father's hand and in fact, injured his father with an axe. The deceased succumbed to his injuries. It is the allegation of the prosecution that the Applicant destroyed the evidence

inasmuch as the Applicant along with his mother and the villagers cremated the deceased. They also threw the axe in cremator and tried to destroy the same. The Police were informed by some secret source and hence, the FIR came to be registered.

3. The Applicant made an application seeking bail before the Trial Court, however, by order dated 9th December 2025, his bail application came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Tanoj Joshi, learned counsel appearing for the Applicant, submits that there was no intention on the part of the Applicant to murder his father however, it is only in order to save his mother from his father's beatings with an axe that he intervened and in the scuffle, he caused injuries to his father. Mr. Joshi further submits that the Applicant is innocent and has no criminal antecedents. He thus, prays that the Applicant be released on bail.

5. *Per contra*, Ms. Anuja Gotad, learned APP appearing for the State in the matter, submits that the offence is serious and the Applicant has murdered his own father and had in fact tried to destroy the evidence by cremating the body of his father along with the villagers. She further submits that there is a likelihood that the Applicant will tamper with the prosecution evidence, if released on bail. Hence, she prays that the Bail Application be rejected.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. A plain reading of the FIR indicates that in an attempt to save his mother, from being beaten by the father, with an axe, the Applicant snatched away the axe from his father's hand and in a scuffle, gave 2 blows on his father's neck. His father suffered 2 injuries on his neck and succumbed to the same. It appears that the deceased was drunken and was in the habit of abusing Applicant's mother. There are no antecedents against the Applicant. He is in custody since 24th May 2025

and it is not likely that the trial will conclude in a near future. *Prima facie*, it appears that the offence is caused while saving his mother from the violence caused to her by the deceased.

8. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month, on the first Monday between 11:00 a.m. to 02:00 p.m. till the charges are framed;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

SHAMBHAVI
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SHIVGAN

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