

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1505 OF 2026

Kiran Murlidhar Wagh

... Applicant

VERSUS

The State Of Maharashtra

... Respondent

Mr. Prakash N. Wagh, Advocate for Applicant.

Smt. K.T.Hiwrale, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th APRIL, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in Crime No. 494 of 2024 registered with Yeola Taluka Police Station, Nashik for the offence punishable under Sections 103(1), 238 r/w. Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. It is prosecution's case that on 13.09.2024, applicant and co-accused murdered son of the co-accused on the ground that he was a heavy drunkard and a nuisance to their family.

3. It is contention of learned counsel for the Applicant that there is delay in lodging the complaint and the allegations against the applicant are that he killed his brother as he was a heavy drunkard and nuisance to their

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family. The applicant is behind the bars for more than 1½ years. The applicant has no antecedents. There is no progress in the trial. The prosecution's case is based on circumstantial evidence and requested to allow the application.

4. It is contention of learned APP that the incident is witnessed by eye witness who had seen applicant murdering the deceased. There is direct evidence against the applicant. If he is released on bail, he may abscond or threaten prosecution witnesses and requested to reject the application.

5. I have heard both learned counsel. Perused charge-sheet and documents produced on record. The applicant is behind bars for more than 1½ years. There is delay in lodging the complaint. To prove the case against the applicant, evidence is required. The co-accused has been released on bail. The applicant has no antecedents. It may take time to conclude the trial and I pass following order.

6. Considering these facts, I pass following order:

ORDER

- i. The applicant be enlarged on bail in Crime No. 494 of 2024 registered with Yeola Taluka Police Station, Nashik on executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties in the like amount.

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ii. The applicant shall attend the concerned police station as and when required.

iii. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The application is allowed in the aforesaid terms and is accordingly disposed of. All pending applications, if any, disposed of.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date:
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(SHIVKUMAR DIGE, J.)