

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO.21 OF 2026

Namdev Durgaji Bagde

..vs..

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.V. Bhamarde, Advocate for the applicant.
Shri A.R. Chutke, APP for the State.

CORAM: M.M. NERLIKAR, J.
DATE : 03.02.2026.

Heard the learned Counsel for the applicant and the learned APP appearing for the State.

2. By way of this application, the applicant is seeking bail in connection with Crime No.289 of 2025 registered with the Aamgaon Police Station, District Gondia for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023.

3. In sum and substance, it is the case of the applicant that the FIR has been lodged by the wife of the deceased husband against the father-in-law alleging the murder of her husband under the consumption of liquor.

4. Learned Counsel for the applicant submits that the incident occurred on account of partition of the house between the son and father in which the present applicant, who is the father of the deceased, has initially inflicted blows with the help of bamboo and when the deceased fell down, he has picked up the Silbatta and thrown on the head of the deceased, due to which the deceased died on spot. Both were in drunken condition.

The applicant has also sustained two grievous injuries, which was inflicted by the deceased son. There was no intention to commit the murder, however, it happened under the influence of liquor.

5. Learned Counsel for the applicant also submits that the applicant/father and the deceased/son used to drink liquor and everyday there were quarrel between them on petty issues. The investigation is complete and charge-sheet has been filed, hence, no purpose would be served by keeping the applicant behind the bar. Therefore, prays to enlarge the applicant on bail.

6. *Per contra*, learned APP appearing for the State submits that the father has killed his son, who was only 30 to 32 years of age. The present applicant/father has beaten the deceased with the help of bamboo due to which he fell down and when he became unconscious, the present applicant abruptly has thrown the silbatta on the head of the deceased, due to which his son died. He has also invited my attention to the postmortem report wherein near-about 10 injuries seems to have been inflicted on the person of the deceased. The daughter-in-law is the eye-witness to the said incident, who has filed the report. Three other crimes have also been registered against the present applicant. Therefore, according to him, considering the gravity of the offence, it is not a fit case to enlarge the applicant on bail.

7. Upon hearing both the learned Counsel it appears that there was a free fight between the father and the son under the influence of liquor. It also appears that everyday, there were quarrel between the

applicant/father and the deceased/son under the influence of the liquor on petty issues, as they had a habit of consumption of liquor. However on 30.04.2025 at 7.30 pm, when the applicant/father and deceased returned to house under the influence of liquor, they got into a quarrel, in which both assaulted each other. The applicant have also sustained two grievous injuries as per the medical report and the applicant has assaulted his son with the help of bamboo and when he fell down, the applicant picked up the silbatta and threw it on the head of the deceased, due to which he died on spot. As per the postmortem report there are 10 injuries on the person of the deceased. Even the applicant/father has also registered the FIR under Section 118(2) and 352 of the BNS. Considering the nature of the allegations and that the investigation is complete and charge-sheet is filed and the fact that the applicant is behind the bar since 01.05.2025, I am inclined to grant bail to the present applicant, on certain terms and conditions. Hence, the following order :

- (a) The application is allowed.
- (b) The applicant/accused Namdev Durgaji Bagde in connection with Crime No.289 of 2025 registered with the Aamgaon Police Station, District Gondia be released on bail on furnishing P.R. bond of Rs.25,000/- with one to two sureties in the like amount
- (c) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply

with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.

(d) The accused shall provide his residential address and cell number to Police station concerned and shall not change his place of residence without prior intimation to the investigating Agency.

(e) The applicant/accused shall not directly or indirectly made any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

8. All Misc. Application(s) pending, if any, shall also stands disposed of accordingly.

(M.M. NERLIKAR, J.)

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