



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [B.A.] NO. 99 OF 2026

Bhimrao S/o. Dharma Sontakke

-- VERSUS --

The 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.

Ms. Ragini Karni Swami, Advocate (appointed) for the Applicant.

Mr. A.R. Chutke, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 18, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.356/2024 for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Duggipar, District Gondia.

3. The informant, residing with his family, reported that on 01/10/2024, his parents went to their field in the afternoon but did not return. Upon inquiry, he was informed by the Police Patil that his father had allegedly attacked his mother with a spade, causing her death. On visiting the field, the informant found the deceased lying injured with head wounds and blood nearby, along with a spade

allegedly used in the assault. The accused, the father of the informant, is alleged to have committed the offence on suspicion of his wife's character. Based on this information, F.I.R. came to be lodged.

4. It is argued by the learned counsel for the applicant that the applicant is about 69 years old, and has killed his wife based on the suspicion of her having illicit relations with others. She submits that the applicant himself has surrendered before the police, and accordingly, his statement was recorded. She further submits that the applicant is in jail since 02/10/2024. He has already undergone more than one year and five months of imprisonment, and considering the nature of allegations and his age, he may be granted bail.

5. On the other hand, the learned A.P.P. submits that the allegations are serious in nature. He himself has surrendered before the Police Station, and accordingly, his statement was recorded. The learned A.P.P. further submits that when the statement of the applicant was recorded, the applicant disclosed that he has killed his wife, and accordingly, the body was recovered from the spot. He further submits that there are five injuries on the person of the deceased and the cause of death is head injury. There are two witnesses who have seen the applicant while going towards the Police Station after committing murder

and, therefore, he submits that there is ample material against the applicant, therefore, he may not be granted bail.

6. It is the cardinal principle of law that bail is the rule and jail is the exception. The applicant himself has surrendered to the police and has made a statement that he has killed his wife. Even the fact that the applicant is about 70 years of age cannot be ignored. It is further to be noted that there is least chances of him fleeing away, though, *prima facie*, there are serious allegations against the applicant. Considering the age of the applicant and the fact that the investigation is complete and charge-sheet is filed, and the applicant is in jail since 02/10/2024, I am inclined to grant bail by imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicant/accused (Bhimrao S/o. Dharma Sontakke) be released on regular bail in connection with Crime No.356/2024 for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Duggipar, District Gondia, on his furnishing a P.R. bond of

Rs.25,000/- (Twenty Five Thousand Rupees) with one solvent surety in the like amount;

(iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence;

(iv) 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;

(v) 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 or even trial Court can *suo moto* take cognizance of this and cancel the bail;

(vi) Fees of the appointed counsel be quantified and paid as per rules;

(vii) Pending Misc. Application(s), if any, also stand disposed of.

[M.M. NERLIKAR, J]