



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

CRIMINAL APPLICATION [B.A.] NO. 426 OF 2025

Vilas Shankar Mali

-- VERSUS --

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.

Mr. R.M. Daga, Advocate for the Applicant.

Ms. T.H. Udeshi, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 17, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.171/2024 for the offence punishable under Sections 302 read with Section 34 of the Indian Penal Code, 1860, IPC, registered with Police Station Ural, District Akola.

3. As per the F.I.R. dated 17/04/2024, there was a prior dispute between the deceased Shrikrushna Mali and accused Prasad Mali regarding use of an agricultural pathway/field access. On 16/04/2024, the deceased had gone to his agricultural field in the morning and did not return till evening. Upon search, he was found lying dead in the adjoining field of Prasad Mali, with blood-stained clothes. An axe and a sickle were found near the

body. On the basis of the earlier dispute and surrounding circumstances, suspicion was expressed against Vilas Mali, Prasad Mali and Malubai Mali, alleging that they had assaulted the deceased with sharp weapons, and accordingly the crime came to be registered.

4. The learned counsel appearing for the applicant submits that, initially, the First Information Report was registered on 17/04/2024, wherein, it was suspected that the present applicant and his son - Prasad might have killed the deceased - Shrikrushna. The learned counsel for the applicant submits that the F.I.R. was lodged only on the basis of suspicion, however, there is no concrete proof to that effect. He further submits that, from the perusal of the investigation paper, it appears that, the story has been cooked up by the police agency which could be gathered from the spot panchanama, wherein sickle was shown along with an axe. He further invited my attention to the statement of police constable, wherein the dog squad was called, in which only axe was shown, however, there is no reference in the statement about the sickle and this statement was recorded on 16/04/2024, and it appears that, immediately, the dog squad was called at the spot. The learned counsel for the applicant further invited my attention to the statement of eyewitness, which

was recorded on 24/04/2024, wherein it is alleged that the present applicant along with his son has assaulted the deceased - Shrikrushna with the help of axe. He further invited my attention to the statement of witness, namely, Milind Wagh, wherein in his statement under Section 164, the principal allegations are against Prasad, and the role attributed to the present applicant is shown that he has held the deceased - Shrikrushna. According to the learned counsel for the applicant, the story is cooked up by the Investigating agency. The statement of so called eyewitness was recorded on 24/04/2024, whereas the incident took place on 16/04/2024. The said delay is tried to be explained in the last paragraph which states that the applicant was arrested on 20/04/2024, and therefore, as the applicant was arrested he came forward to give the statement. He further invited my attention to one case, wherein the father of the said witness Milind Wagh was accused and the family of the applicant are witnesses in the same incident, and therefore, according to him, the witness is a planted witness, and therefore, cannot be believed. He further submits that now the charge-sheet is filed, and the applicant was arrested on 20/04/2024, almost two years are over. However, there are no antecedents, and therefore, considering all these facts especially that the applicant is of 62 years of age, the applicant be released on bail.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that since from the beginning, even in the First Information Report, though, the report was filed on the basis of suspicion, however, the suspicion was on the applicant and his son. She further submits that the eyewitness unequivocally disclosed about witnessing the incident and the aggravated role attributable to the present applicant as well as his son, namely, Prasad. She further submits that the said act of the present applicant and his son was corroborated by the injuries in the post-mortem report. The eye witness - Milind, has stated that the blows were given on neck and head, and therefore, the said statement cannot be brushed aside. She further invited my attention to the statement recorded under Section 164 of the Cr.P.C. Even in this statement, said witness Milind, has stated against the present applicant as well as his son and their overt act, and therefore, submits that the applicant and his son are responsible for the death of deceased – Shrikrushna and requested to reject the application.

6. I have considered the rival submissions, admittedly, the incident took place on 16/04/2024. The First Information Report was registered by the son - Dhyaneshwar suspecting the role of the present applicant in the murder of his father. As the

investigation progressed, it appears that, the spot panchanama was drawn, wherein in the spot panchanama, two articles are shown, i.e., axe and sickle. Even in the First Information Report, both these articles are shown, however, very interestingly, when the dog squad was called and the statement of one of the Police constable was recorded only axe was shown on the spot. Further, it is to be noted that the statement of Milind, was recorded after eight days of the incident, and therefore, it creates doubt about the veracity of the said statement, though he was shown as eye-witness. Further, I do not find sufficient explanation for delay in recording his statement. Considering all these facts, and the fact that the applicant is of 62 years of age, and is behind bar since from two years, and there are no criminal antecedents against the applicant, I am inclined to grant bail to the present applicant on imposing stringent conditions. Hence, the following order:-

ORDER

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

(ii) The applicant/accused (Vilas Shankar Mali) be released on regular bail in connection with Crime No.171/2024 registered with Police Station Ural, District Akola, for the offence punishable under Sections 302 read

with Section 34 of the Indian Penal Code, 1860, IPC, 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 *suo moto* take cognizance of this and cancel the bail;

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

7. The observations of this Court are *prima facie* in nature. The Trial Court shall not be influenced by the observations of this Court and the

observations are restricted to this bail application only.

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN