

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

CRIMINAL APPLICATION NO.1015 OF 2025

Bapu Sadvali Kummari

..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 Anirudh A. Krishnan, Advocate for the applicant.
Mrs. M.H. Deshmukh, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 02.02.2026.

Heard.

2. By way of this application, the applicant is seeking regular bail in connection with Crime No.50 of 2025 registered with Sironcha Police Station, District Gadchiroli for the offence punishable under Sections 103(1) and 115(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Initially, the accidental death ('AD') report was registered on 23.03.2025 by the police on the complaint made by the sister of deceased Ravindra. It was stated that deceased was died due to consumption of heavy liquor.

4. Learned Counsel for the applicant submits that after the registration of accidental death report, later on during the enquiry, it transpired that the present applicant has committed murder of the deceased with the help of towel by strangulating his neck. Based on these allegations, the FIR came to be registered on 29.03.2025 i.e. after 5 days, however there is no

explanation for the delay caused. Learned Counsel for the applicant submits that allegedly the statement of two eyewitnesses were recorded, wherein they have disclosed that the present applicant has tied towel around the neck of the deceased due to which, the deceased has died. He further submits that the statements were recorded almost after five days and there is no explanation to that effect. Though the postmortem report reveals the cause of death is due to asphyxia associated with pharyngeal and laryngeal spasm which may be due to fracture of hyoid bone. Considering the statements of these two witnesses, the story put-forth by the prosecution is not reliable and it creates doubt because for 5 days no one had disclosed about the said incident; abruptly, these two witnesses came forward and gave the statement. Now the investigation is complete and charge-sheet has been filed and the applicant is behind the bars since 30.03.2025, he deserves to be enlarged on bail.

5. On the other hand, the learned APP vehemently opposes the application by submitting that initially, the sister of the deceased had lodged the report stating that the deceased was heavily drunk and due to which he died and accordingly AD report are registered. She further submits that there were statement of two eyewitnesses, which goes to show that the present applicant has killed the deceased. There is previous enmity between the applicant and the deceased. Learned APP heavily relied upon the statement coupled with the postmortem report and submits that they correlate with each other, and therefore, the applicant is involved in the crime.

6. I have considered the rival submissions. Admittedly, the cause of death of the deceased as per the medical report is due to asphyxia associated with pharyngeal and laryngeal spasm which may be due to fracture of hyoid bone. During the inquiry, two statements were recorded, however the fact remains that the AD was registered on 23.03.2025. Despite the fact that these two witnesses belongs to the same village, they have not come forward to state anything for 5 days. Therefore considering the nature of material collected by the investigation officer and the fact that the present applicant was arrested on 30.03.2025 and as the investigation is complete and charge-sheet is filed, I am inclined to grant bail on certain terms and conditions. Hence the following order :

- (a) The application is allowed.
- (b) The applicant/accused Bapu Sadvali Kummari in connection with Crime No.50 of 2025 registered with Sironcha Police Station, District Gadchiroli 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 applicant shall not enter into the jurisdiction of Sironcha Police Station, District

Gadchiroli.

- (e) 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.
 - (f) The applicant/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.
7. All Misc. Application(s), pending if any, shall also stands disposed of accordingly.

(M.M. NERLIKAR, J.)

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