

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

CRIMINAL BAIL APPLICATION NO. 1367 OF 2025

Dhananjay @ Shankar Hiwrale

..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 Dhruv Sirpurkar, Advocate h/f Shri S.V. Sirpurkar,
 Advocate for the applicant.
 Shri V.A. Thakre, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 14.01.2026.

Heard the learned Counsel for the applicant and the learned Additional Public Prosecutor appearing for the State.

2. This is a case, wherein the son has murdered his father by inflicting blow on the head by wooden log. The applicant was arrested on 30.04.2025 in connection with Crime No. 148/2025 registered with the Khamgaon Rural Police Station, District Buldhana for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita.

3. The learned Counsel appearing for the applicant submits that the entire case is based on the extra-judicial confession. There is no eyewitness to the said incident. Even there are no sufficient circumstances to connect the present applicant with the crime. Even if it is accepted that the applicant has committed the murder of his father, however under what circumstances he has committed the murder that is required to be seen from the facts of the present case. The learned Counsel further

submits that there was no intention to cause death of his father, even if the case of the prosecution is taken as it is, and therefore, he submits that the case would not fall under Section 103 of the BNS. The investigation is complete and charge sheet is filed, except extra-judicial confession, there is nothing on record against the present applicant.

4. On the other hand, learned APP opposes the present application by submitting that inflicting fatal blows on the head as well as on other part of the body would demonstrate the intention of the present applicant. He further submits that there are number of independent witnesses, who have said that the applicant himself has called them and informed that he has killed his father. Learned APP also invited my attention to the postmortem report wherein, the cause of death is shown to be head injury. He further invited my attention to the statement of Mahadev, who is the maternal uncle of the applicant, wherein the present applicant informed that there was quarrel between him and his father and he has beaten his father with the help of wooden log and given blow on head as well as on both legs. The statement of the mother also goes to show that she and applicant's wife went to the house of his maternal uncle when the quarrel escalated between the applicant and his father. It further appears from her statement that when the mother woke up at 4:30 am and both went to her house, she saw the present applicant sitting outside the house. She asked the applicant why he was sitting outside and accordingly went towards the house and

opened the door, at that time she found her husband was lying on the bed in the pool of blood. Thereafter, she informed the Ex Sarpanch Devanand about the incident. However, she further states in her statement that she came to know from others that the present applicant had killed his father.

5. Considering the above facts and circumstances of the case, it appears that the entire case is based on extra-judicial confession. The investigation is complete and charge-sheet has been filed, however it appears from investigation and statements that the case is based on circumstantial evidence and extra-judicial confession.

6. In this view of the matter and considering the nature of material collected by the Investigating Officer, I am inclined to grant bail to the present applicant, hence the following order :

- (a) The application is allowed and disposed of.
- (b) The applicant/accused Dhananjay @ Shankar Hiwrale be released on regular bail in connection with Crime No. 148/2025 registered with the Khamgaon Rural Police Station, District Buldhana for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, on furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.
- (c) 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.

- (d) 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.

(M.M. NERLIKAR, J.)

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