



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

CRIMINAL APPLICATION (BA) NO.1393 OF 2025

Haridas Bhaskar Chauke (In Jail)

..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 S.B. Gandhe, Advocate for the applicant.
Ms Shamsi Haidar, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 08/01/2026.

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

Corrected as per
Court's order dated
13.01.2026.

2. By way of present application the applicant is seeking bail in connection with the Crime No.92/2025 dated 11.04.2025 for the offence punishable under Sections 103(1), 109, 118(2), 352, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 registered with the Mangrul Chavhala Police Station, District Amravati.

3. The case is that, the complainant lodged the FIR in which it is alleged that the applicant is her elder brother-in-law. On 10.04.2025 the applicant has abused her husband and there was scuffle between the applicant and the husband of the complainant, in which the applicant assaulted her husband by wooden stick on the head and back. Due to such assault, the husband of the complainant started bleeding due to injuries and succumbed to the injuries on 12.04.2025.

4. The learned Counsel appearing for the applicant submits that the deceased was his brother and the incident occurred in the spur of moment. He submits that

so far as the postmortem report is concerned, it shows only one injury, and the cause of death is due to complications following head injury. He further submits that as both were in drunken condition, the quarrel took place between both the brothers, and the applicant has given a blow on the head of the deceased, which has resulted into the death of deceased. There was no intention on the part of the applicant to commit the murder of the deceased. The fight was happened in the spur of moment.

5. On the other hand, the learned APP vehemently opposes the bail application by submitting that there are eyewitnesses to the said incident and even in the FIR itself, the name and overt act of the present applicant is disclosed. She submits that initially the quarrel took place, and thereafter, the applicant went inside the house and brought the wooden stick and gave blows on the head and backside of the deceased. She further submits that the postmortem report shows that the blow was given on the vital part of the body i.e. head, which resulted into the death, due to complications following head injury. Lastly, she submits that when there is a direct evidence and serious allegation against the applicant, the applicant does not deserve to be enlarged on bail.

6. I have heard both the learned Counsel as well as perused the charge-sheet and the record. It appears to me that admittedly, the FIR was registered at the behest of the wife of the deceased. The deceased was the real brother of the applicant. The applicant was arrested on

11.04.2025 and later on, after investigation charge sheet has been filed on 05.07.2025. It also appears that both the brothers i.e. applicant and the deceased were in drunken condition, and therefore, they could not control each other and started quarreling with each other by giving abuses. The quarrel got converted into free fight between both the brothers. Therefore, the applicant went inside the house and brought the wooden stick and gave blow on the head of the deceased, due to which, the deceased succumbed to the head injury on 12.04.2025.

7. Further it appears from the record that the allegation is made against the present applicant that it was an intentional act. At present, it is very difficult to accept that it is an intentional act for the reason that the assault was due to abuses against each other and in the spur of the moment. The applicant had no motive or intention to cause death of the deceased.

8. Therefore, considering the facts and circumstances, it appears to me that though there is evidence against the applicant in the nature of eyewitnesses, still I am inclined to grant the bail, for the reason that the applicant was arrested on 11.04.2025 and as the investigation is complete, charge-sheet has filed. No purpose would be served by keeping the applicant behind the bar.

9. The observations are *prima facie* in nature and the Trial Court shall not be influenced by observations of this Court as they are restricted to the present bail application only.

10. Hence the following order :

Corrected as per
Court's order dated
13.01.2026.

- (a) The application is allowed.
 - (b) The applicant/accused Haridas Bhaskar Chauke in connection with the Crime No.92/2025 dated 11.04.2025 for the offence punishable under Section 103(1), 109, 109(1), 118(2), 352, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 registered with the Mangrul Chavhala Police Station, District Amravati, be released on bail on furnishing P.R. bond of Rs.50,000/- with two sureties in the like amount.
 - (c) The applicant shall not enter in the vicinity of village Dharmapur, Tq. Nandgaon Khandeshwar, District Amravati.
 - (d) The applicant shall attend the court regularly.
 - (e) 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.
 - (f) Breach of either of condition would give rise to the prosecution to move this Court for cancellation of bail.
11. The application stands disposed of accordingly.

(M.M. NERLIKAR, J.)