

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

CRIMINAL APPLICATION (BA) NO.1407/2025

(Praful S/o Manohar Chilmule 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

Mr. A. C. Jaltare, Advocate for applicant.
Mrs. Mayuri H. Deshmukh, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 30/01/2026.

Heard.

2. By the present application, the applicant is seeking bail in connection with Crime No.305/2025 registered with the Police Station Rajura, Dist. Chandrapur for the offence punishable under Sections 103(1), 3(5) of Bhartiya Nyay Sanhita, 2023.

3. It has been alleged that, on 28th June 2025 deceased Pradeep Chilmule came home drunk and on a trifle reason picked up a quarrel with his wife namely Aachal. During the course of argument the mother of the deceased intervened but deceased did not pay heed to her. Thereafter the deceased started assaulting his wife. Having noticed this the elder brother of the deceased namely Praful intervened in the quarrel and tried to pacify deceased-Pradeep. However Pradeep ended up assaulting

his brother with a stick. Praful pushed the deceased on the ground and grabbed his neck so as to control him. At that time, a rope from inside to tie his legs. However, the deceased fell unconscious. He was immediately taken to the hospital when he was declared dead.

4. Learned counsel appearing for the applicant submits that the incident is an unfortunate incident. He submits that the FIR was registered by the neighbour of the present applicant. He submits that the allegations of murder are against the present applicant (who is elder brother of deceased) and his father for committing murder of the deceased. He further submits that the deceased and all family members are residing together. The deceased came to the house on 28.06.2025 at about 09.00 PM in a drunken condition and he started beating his wife. However, the present applicant tried to control him. As he was uncontrollable, the father also intervened, and both tried to control him. The applicant pushed him and grabbed his neck in the meantime, the father went inside to bring a rope to tie him. However, some extra force was used, and therefore, there was throttling, and it was an unfortunate death. There was no intention on part of the

present applicant to commit murder of his younger brother. It was an accidental death. In fact, the deceased was beating his wife, and the applicant was trying to control him as the deceased was in a drunken condition. Therefore, considering the nature of the allegations and the fact that the present applicant is in jail since 29.06.2025, he be released on bail. He further submits that the father has been released on bail by the trial court. However, the bail application of the present applicant was rejected.

5. On the other hand, the learned APP opposes the application and submits that there are several injuries on the person of the deceased. The cause of death is throttling. She further submits that there are eye-witnesses. The wife of the deceased is the eye-witness to the incident wherein she has narrated the entire episode, and therefore, she submits that merely filing of charge sheet would not be sufficient to grant bail. However, gravity needs to be considered therefore, she requested to reject the bail.

6. I have considered the rival submissions. I have gone through the FIR and the material placed before me. I

have even gone through the statement of the sister-in-law of the applicant who is the eye-witness, wherein she has narrated the entire story. It appears that on 28.06.2025 at about 09.00 p.m. deceased came to the house in a drunken condition, and he started beating his wife. The present applicant has intervened and tried to pacify the quarrel, however, the deceased was uncontrollable and therefore, he pushed his brother on the ground and grabbed his neck. However, some extra force was used in order to control him, and out of that scuffle, there was unfortunate death of the deceased.

7. Considering the allegations and the fact that the father has been released on bail, the investigation is complete, and the charge sheet is filed, I am inclined to grant bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Praful S/o. Manohar Chilmule be released on bail in connection with Crime No.305/2025 registered with the Police Station Rajura, Dist. Chandrapur for the offence punishable under Sections 103(1), 3(5) of Bhartiya Nyay Sanhita, 2023 on his furnishing P.R. Bond of Rs. 25,000/- with one 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 concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant/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 entails the State to ask for cancellation of bail.

(M. M. NERLIKAR, J.)