



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

CRIMINAL APPLICATION (BA) NO.482/2026

Shriram Gulabrao Khond and anr. .Vs. State of Maharashtra thr. PSO, P.S. Shegaon
City, Tq. Shegaon, Dist. Buldhana.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. V. Sirpurkar, Advocate for applicants.
Mr. A. R. Chutke, A.P.P. for non applicant.

CORAM : M. M. NERLIKAR, J.
DATE : APRIL 21, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.503/2025 for the offence punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Shegaon, District Buldhana.

3. The First Information Report came to be registered on 12/09/2025 at Shegaon City Police Station on the information given by the son of the deceased - Gulabrao Khond. The informant stated that on 11/08/2025, at about 6.00 p.m., he received a telephone call informing him that his father had sustained injuries and was present near Ambar Hotel, Shegaon. The informant spoke to his father on phone, who stated that he had suffered injuries and required medical treatment. Thereafter, the informant along with his wife reached the spot and found his father in an injured condition. Initially, the deceased stated that he had fallen and sustained injuries. However, later he disclosed that he had been assaulted. The injured was immediately taken in an ambulance to the Government Hospital, Akola for medical treatment. During the

course of medical treatment, the injured person died at about 11:00 p.m. due to the injuries sustained by him. After the post-mortem examination and completion of funeral rites, the informant lodged the present complaint alleging assault. On the basis of the said report, the offence came to be registered and investigation was set in motion.

4. It appears that, initially, statement of accused No.1 - Shreeram and accused No.2 - Sudhabai (son & wife of deceased) respectively was recorded, wherein they disclosed that due to dash given by cow, deceased fell on the picket and sustained injury. Therefore, deceased was shifted to Government Hospital at Shegaon and from there he was shifted to Government hospital, Akola where he succumbed to injuries, and therefore, A.D. was registered. However, post-mortem was conducted. Thereafter, on query made by the Investigating Officer about the injuries, the doctor has given an opinion that the injuries referred in Column Nos.17 and 18 are not possible by the dash of the cow. This opinion was obtained on 09/09/2025, and on 12/09/2025 another son of deceased namely, Shankar, registered F.I.R. alleging that his mother - Sudhabai, brother - Shreeram and sister-in-law - Gayatri assaulted his father and this fact was disclosed by his father to him, thereafter, another statement of Satyabhama (daughter of deceased) was recorded by the Investigating Officer, wherein she disclosed that the deceased was beaten by her mother, brother and sister-in-law.

5. The learned counsel appearing for the applicant submits that the statement was recorded on 12/09/2025. Had it

been a case that the deceased has given oral dying declaration to informant and Satyabhama, they would have disclosed it immediately because as per the statement they state that her father had disclosed that, her mother, her brother and her sister-in-law has beaten him, and therefore, it cannot be believed that the present applicant has committed the murder of deceased, and therefore, submits that apart from this, there is no other evidence against the applicant.

6. On the other hand, the learned A.P.P. submits that, admittedly, there are injuries on the deceased person, however, those injuries are not possible by a dash given by the cow, and therefore, the statement of Satyabhama and informant will have to be relied on because there is every possibility that at initial stage they might not have disclosed this oral dying declaration for the reason that the accused persons are their mother, brother and sister-in-law. Accordingly, he submits that considering this oral dying declaration, the present applicant does not deserve bail.

7. Admittedly, the A.D. was registered, and thereafter, the opinion was sought on 09/09/2025, which was received, wherein it is specifically stated that the injuries are not possible by the dash of the cow or by fall. It is only on 12/09/2025, for the first time, the statement of informant was recorded, and in that he disclosed that his father has given him oral dying declaration that his wife, his son, and his daughter-in-law had beaten him. Similar statement was also given by Satyabhama on 12/09/2025. Considering the above aspects, it is very difficult to believe on the statement of Satyabhama and informant. It

ought to have been disclosed by both as soon as they got the knowledge of beating by the present applicant and others. No explanation was given by both that why they kept mum for one month, and therefore, it would be too risky to rely on statement of informant and Satyabhama. All the above facts have already been considered by this Court while granting bail to Gayatri (co-accused). The applicant is in jail since 12/11/2025, and considering the fact that investigation is complete and charge-sheet is filed, I am inclined to grant bail by imposing terms and conditions. Hence, the following order:-

ORDER

- (i) The Criminal Application is **allowed**;
- (ii) The applicant/accused (Shriram Gulabrao Khond) be released on regular bail in connection with Crime No.503/2025 registered with Police Station Shegaon, District Buldhana, for the offence punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), 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;

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

8. 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.

(JUDGE)

Kahale