

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE-4,
WARDHA.**

S.C.No.29/2025

CNRNo.MHWR010008762025

ORDER BELOW EXH.07

(Passed on 11.11.2025)

1] This is first regular bail application after filing of charge-sheet preferred by applicant/accused namely Namdev Narayan Kurwade U/Sec. 483 of Bhartiya Nagri Suraksha Sanhita, 2023 arising out of F.I.R.No.96/2025 for offence U/Sec.103(1) of BNS registered at Deoli Police Station, Distt. Wardha.

2] The brief fact emerging from the FIR and charge-sheet are as under :

The accused is the son of deceased. On 04.02.2025 the mother of accused made a telephone call to accused stating that his father/deceased is constantly beating and demanding money from her. Therefore, if the accused did not return the home, she will commit suicide. Due to this, accused immediately rushed to home and he inquired with his mother. The deceased was gone outside. The accused immediately behind him. At that time, accused and deceased started quarrel with each other and on account of this quarrel and dispute, accused assaulted deceased on his head by means of wooden stick and subsequently, deceased died on the spot.

3] It is submitted by the learned advocate of accused that deceased was aged about 60 years and he was no doing any work and constantly quarreling and fighting with his wife and accused.

The deceased was also constantly quarreling with his wife and on account of domestic dispute and harassing her. Due to this circumstances, family tension and discomfort between accused and deceased. The alleged incident has taken place on account of sudden provocation as deceased had assaulted mother of the accused. The entire investigation is already completed. The accused is behind bars since 04.02.2025. Therefore, learned advocate for accused is praying for releasing him for regular bail with conditions.

4] Learned APP Shri. V.R. Ghude filed reply below Exh.8. It is submitted by the prosecution that offence is serious in nature. The accused assaulted deceased by means of wooden stick so severely due to which said wooden stick was broken. The accused assaulted deceased more than 4 to 5 times. Hence, deceased died by sustaining total 8 injuries and fracture by skull. The accused is son of wife of the deceased. There is possibility that accused may threaten her, if release on bail. So, on these grounds, prosecution is praying for rejection of instant application.

5] Perused application and reply submitted by the learned APP through Investigating Officer. Perused case record. Heard Shri. S.P. Kashikar, advocate for accused and learned APP Shri.V.R. Ghude. I have perused charge-sheet, i.e. S.T.No.29/2025.

6] The relationship between deceased and accused, as well as important witness Smt.Saraswatibai is undisputed. The careful reading of FIR would demonstrate that on 04.02.2025 deceased was demanding money from his wife Saraswati and she had refused to

pay money. Due to this, deceased started assaulting her by means of kicks and fist blows and also sat on her. The said quarrel was pacified by neighbours. Smt. Saraswatibai immediately called over telephone and narrated the incident. This was the starting point of the entire incident. The accused immediately rushed to him and inquired with Saraswatibai about his father. The accused immediately went behind him and started questioning with the deceased about alleged assault by him to Saraswatibai.

7] Though, the elaborate analysis of material collected by the Investigating Officer is not warranted at this stage. The statement of important witnesses is required to be noted. The important witnesses namely Ranjana Shivankar, Bharati Gondane, Smt. Mayanabai Karlake would reflect that when accused was inquiring with the deceased, he was very much angry and deceased also started verbal abusing accused. This aspect of the statement of important witnesses would suggest that on account verbally abuses and counter exchanges of abuses made by the deceased out of anger accused assaulted the deceased by means of wooden stick. So, considering this aspect, whether the alleged incident was out of anger and sudden provocation or premeditated murder would be question of trial. But the statements of eye-witnesses are suggesting that on account of verbal abuses and exchanges of filthy words and act of the deceased to assaulting mother of the accused for refusing to pay of Rs.40/- and sat on her body was the flash point of the said incident. So, considering this aspect, whether the offence of murder or culpable homicide not amounting to murder would be question of trial.

8] However, considering the statement of eye-witnesses, it would suggest that after hearing crying of his mother, accused went behind his father and there was sudden quarrel and exchange of verbal abuses between them. The each witness has said that deceased had also verbally abused accused. So, considering this aspect, it would be a question of trial for adjudication on the point to whether it was of murder or culpable homicide not amounting to murder. The entire investigation is completed. The accused is aged about 25 years and he is not having any criminal background. The statement of important witnesses are already recorded. The accused is behind bars since last 7 months. The charge-sheet is also filed. The purpose and object of custodial detention of the accused is already fulfilled. So, considering all circumstances and in view of above discussions, I am of the opinion that accused can be enlarged on regular bail. Hence, I proceed to pass following order :

ORDER

- 1] The application below Exh.7 in S.C.No.29/2025 preferred by applicant/accused namely Namdev Narayan Kurwade U/Sec. 483 of Bhartiya Nagri Suraksha Sanhita, 2023 arising out of F.I.R.No.96/2025 for offence U/Sec.103(1) of BNS registered at Deoli Police Station, Distt. Wardha, be released on regular bail on furnishing PR and SB of Rs.50,000/- with local surety of like amount on following conditions:
 - i] The applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
 - ii] The applicant/accused shall not tamper with the prosecution evidence in any manner.

- iii] The applicant/accused is directed details of two blood relatives and their mobile numbers and mobile numbers of his own.
- 3] Inform this order to concerned police station accordingly and to accused by jail authority.

Place :- Wardha
Date :- 11.11.2025.

(S.G. Adake)
Additional Sessions Judge-4,
Wardha.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. File of order are word to word, as per original order.

(Vidyadhar B. Bokde)
Stenographer-Grade-I