



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1347 OF 2026

Soma @ Tiger @ Sagar Dagdu Chaudhari

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. D.R. Kale, Advocate for applicant

Mr. S.A. Gaikwad, A.P.P. for respondent no.1 - State

....

CORAM : HITEN S. VENEGAVKAR, J.

DATE : 30th SEPTEMBER, 2026

PER COURT :

1. The applicant, Soma alias Tiger alias Sagar Dagdu Chaudhari, seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No. 369 of 2025 registered with Chalisgaon City Police Station, District Jalgaon, for offences punishable under Sections 109, 351(3) and 238 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 4 and 25 of the Arms Act, Section 7 of the Criminal Law Amendment Act, 1932, and Section 135 of the Maharashtra Police Act for violation of the prohibitory order under Section 37(1)(3). He was arrested on 30th August 2025. Investigation is complete and the charge-sheet has been filed.

2. The prosecution states that Prabhakar Pandurang Chaudhari was injured in the alleged offence, who happens to be father of the informant and is a former Municipal Councilor. During an encroachment removal drive, the

Municipal Council removed a pan stall associated with the applicant's friend Bhushan Chaudhari. The applicant allegedly believed that Prabhakar was responsible for the said action and also lodging of the criminal proceedings arising from his confrontation with the municipal employees. According to the prosecution, the applicant consequently held a grudge against Prabhakar.

3. The prosecution further states that on 26th August 2025, at about 11.00 p.m., Prabhakar was proceeding on his scooter along Station Road, Chalisgaon, near Vaishnavi Saree Centre. A Swift Dzire car struck the scooter from behind, causing him to fall. The applicant and his associates allegedly alighted with sickles and swords and assaulted him repeatedly. The applicant is specifically alleged to have inflicted sickle blows on the face, head, chest and hands of Prabhakar. The first information report also attributes blows on the neck and right hand to him. According to the eyewitnesses, he threatened those who attempted to intervene by brandishing the sickle. Prabhakar was taken first to Deore Hospital, thereafter to General Hospital, Dhule, and subsequently to Ashoka Medicovert Hospital, Nashik. His son Chetan lodged the report on 27th August 2025.

4. Ld. Advocate for the applicant submits that the applicant has been falsely implicated and that the informant did not witness the assault. The injured's detailed statement was recorded on 13th September 2025, well after the incident, and its reliability is disputed. The applicant disputes the alleged motive, pointing out that the municipal complaint does not mention Prabhakar

as having caused the encroachment action. It is also contended that Prabhakar had other political enemies and had suffered an earlier assault. The applicant disputes his connection with the car and the allegation of a specific overt act. The injured has since been discharged from hospital. Investigation and recoveries are complete, and further detention is said to serve no purpose. Reliance is placed on the release of the co-accused, particularly Shivaji alias Nana Suresh Patil by order dated 26th March 2026 in Bail Application No.380 of 2026 and Gaurav Aadhar Chaudhari by order dated 6th May 2026 in Bail Application No.684 of 2026 also on the order of the Hon'ble Supreme court dated 15th September 2026 granting bail to accused sunny @ Harish Abba Patil. The applicant seeks parity, relies on the period of custody and the absence of progress in the trial, and offers to remain outside Chalisgaon and comply with stringent conditions. He also relies on his permanent residence and family responsibilities and undertakes not to influence witnesses.

5. Ld. APP for the state submits that the applicant's name and role are disclosed from the outset and are supported by the injured's statement and medical documents along with the statements of eyewitnesses. The applicant is alleged to be the principal aggressor, with a personal motive against injured Prabhakar. The assault followed the knocking down of the scooter and involved repeated blows with sharp weapons on vital parts of the body. The prosecution relies on the medical certificates, seizure of the car, seizure of weapons, the applicant's pointing out of the place where weapons were discarded, and the

seizure of burnt clothing remnants from the place shown by him. It also relies on the injured's account recorded during his transportation to hospital and the material concerning the accused meeting at Hotel Diamond before the occurrence. The applicant's role is stated to be materially different from those considered in the orders granting bail to the co-accused. The prosecution also expresses apprehension that the injured and eyewitnesses may be threatened if the applicant is released.

6. I have considered the material placed on record. At this stage, the Court must assess whether there is a prima facie case and whether the circumstances justify release on bail. The evidence is not to be finally evaluated, nor is guilt to be determined. The nature of the accusation, the applicant's individual role, the supporting material, the period of custody and the need to protect the trial must be considered together. The seriousness of the charge, by itself, cannot replace this assessment.

7. The submission that the informant is not an eyewitness is correct. However, the prosecution case does not rest solely on his statement of the occurrence. Amol Sudam Chaudhari and Devidas alias Vishal Arun Chaudhari claim to have witnessed the assault. Amol's statement dated 28th August 2025, at paper-book page 166, attributes repeated sickle blows on the face, head, chest and hands to the applicant. It attributes sickle blows on the legs of the injured to accused Gaurav, sword blows on the hands and back of the injured to accused Sunny alias Harish Aba Patil, and sword blows on the body of the

injured to accused Shivaji alias Nana Suresh Patil. The applicant is further alleged to have threatened the witnesses when they tried to stop the attack. These are specific allegations of active participation, rather than an allegation of mere presence or association.

8. The delay in recording the injured's detailed statement has also been considered. The record contains a medical endorsement dated 4th September 2025 that he was not in a condition to give a statement and was tracheostomized. Further, the applicant was named in the first information report itself. The material concerning the statement recorded of Ganesh Chaudhari during transportation to hospital refers to present applicant Tiger Soma and other persons. Its admissibility and evidentiary weight will be determined at trial. For the present purpose, however, the applicant's identification is not shown to have originated only in the later statement dated 13th September 2025 but it has been referred by the eye witness right from the inception. The contention concerning delayed implication therefore does not place him on the same footing as the co-accused whose names were absent from the earliest statement.

9. The medical certificates require consideration in some detail because the applicant disputes the gravity and nature of the act attributed to him. The certificate issued by General Hospital, Dhule, at paper-book pages 197 to 199, records the following facial injuries, an oblique wound over the left eyebrow splitting its lateral third, with a palpable full-thickness bony fracture; a partial-

thickness wound over the left lower eyelid extending laterally over the orbital area; a full-thickness wound on the left side of the face extending from approximately 2 cm from the angle of the mouth towards the post-auricular area; and a muscle-deep wound on the left side of the chin extending towards the submandibular region, measuring approximately 3 x 2 x 1 cm. In relation to the extensive lateral facial wound, the doctor records exposure of the buccal fat pad, a full-thickness cut of the buccinator muscle, laceration of the parotid gland, complete cutting of the masseter muscle, and splitting of the body and angle of the mandible. These findings indicate injury extending well beyond the surface of the skin.

10. The certificate further records a bone-deep wound over the left mastoid extending towards the occipital region, approximately 4 x 1 x 1 cm; a wound on the upper part of the left pinna, approximately 5 x 1 x 1 cm, with cartilage exposed; and a wound over the ear lobule, approximately 2 x 1 x 0.5 cm, with tissue loss. An avulsion injury of the left ear is also noted. The scalp injuries comprise a bone-deep wound over the left parietal region, approximately 3 x 1 cm; another bone-deep wound over the left parietal region, approximately 4 x 1 x 1 cm; a bone-deep post-auricular wound, approximately 6 x 2 cm; a left occipital wound, approximately 5 x 1 x 1 cm; and an abrasion over the forehead. The references to avulsion and tissue loss are descriptions of the ear injury and are not treated as additional wounds for the purpose of arriving at a numerical total.

11. On the left chest, a wound approximately 6 x 3 x 2 cm is recorded, with puncture of the pleura and air leakage. On the back, there is a wound approximately 5 x 2 cm extending into the subcutaneous tissue and another below the nape, approximately 2 x 1 x 0.5 cm. The left upper arm bears a wound over the deltoid region, approximately 5 x 3 x 2 cm, and two wounds over its lateral aspect, approximately 5 x 1 x 1 cm and 4 x 3 x 2 cm. There is a left elbow wound approximately 8 x 3 x 2 cm and a muscle-deep right forearm wound approximately 8 x 3 x 2 cm. The left hand bears wounds approximately 7 x 2 x 2 cm and 8 x 3 x 2 cm, and the right hand bears a wound approximately 8 x 4 x 3 cm. Bilateral crush injuries of the hands are also recorded. The patient underwent emergency exploration with insertion of a left intercostal drain and closed reduction with K-wire fixation. Imaging showed left-sided pleural effusion, with traumatic hemothorax considered likely. The doctor describes the injuries as grievous, caused by a sharp object and sustained within six hours of examination. The Ashoka Medi cover certificate at paper-book page 201 additionally records multiple deep wounds on the face and head, a puncture wound on the left chest, and multiple wounds with fractures in both hands, classified as grievous. These descriptions corroborate the injuries already noted and are not counted again as separate injuries.

12. The medical findings must be read with the specific attribution in witness Amol Sudam Chaudhari's statement at paper-book page 166. He attributes repeated blows with an iron sickle on the face, head, chest and hands

to the present applicant Soma. He separately attributes sickle blows on the legs to Gaurav Aadhar Chaudhari, sword blows on the hands and back to Sunny alias Harish Aba Patil, and sword blows on the body to Shivaji alias Nana Suresh Patil, without specifying a particular body region for the latter in that passage. Thus, the applicant is expressly attributed repeated blows on the face, head and chest, where the certificates record deep facial and bone-deep scalp wounds and a chest wound involving puncture of the pleura. This supplies prima facie medical support for the nature of the assault attributed to him. At the same time, blows on the hands are attributed to both the applicant and Sunny; the entire set of hand injuries cannot therefore be exclusively assigned to the applicant. Nor do the certificates identify which assailant caused each measured wound. The specific medical injuries corresponding to the alleged blows by accused Gaurav on the legs are not separately described in the certificates discussed above. The precise allocation of each wound and the liability of the accused for the concerted assault are matters for trial. For deciding bail, the significant circumstance is the applicant's specifically alleged attack on the face, head and chest, considered with his personal motive, earliest identification and threats to those attempting to intervene. The role of the other accused has not been treated as mere presence, since the eyewitness also attributes armed assaults to them.

13. The submission that injured Prabhakar has recovered sufficiently to be discharged does not diminish the nature of the injuries inflicted. The

allegation under Section 109 of BNS must be assessed with reference to the weapon, the manner of attack, the parts of the body targeted and the surrounding circumstances. Knocking down the victim and repeatedly attacking him with sharp weapons, including on the head and chest, prima facie provides a basis for the accusation of attempted murder. The eventual survival of the injured does not, by itself, negate that accusation. The defense concerning other political enemies and an earlier assault remains open at trial, but does not presently displace the specific material connecting this applicant with this occurrence.

14. There is also material concerning seizures and the applicant's alleged conduct after the occurrence. The seizure papers dated 30th August 2025 record the Swift Dzire car as having been seized from the applicant. The statement of its registered owner, Kiran Nimba Wagh, states that he had earlier handed over the car to Sagar Dagdu Chaudhari under an arrangement concerning payment of the remaining installments, although registration had not been transferred. Consequently, the contention that the car was not registered in the applicant's name does not, by itself, answer the prosecution material concerning his possession and use of it. This circumstance is relevant because the car is alleged to have been used to knock down the scooter and leave the spot.

15. The Panchama dated 4th September 2025 records that the applicant led the police and panch witnesses to an open place near Baleshwar in Gujarat, where remnants of burnt clothing were found, seized and sealed. The weapon

material requires a further distinction. A blood-stained sickle was seized from the scene of the assault. Eyewitness Amol states that the applicant threw down his sickle there before leaving. The memorandum and pointing-out Panchama dated 1st September 2025 concern the Girna river bridge near Pilkhod. They record that two sickles and two swords had already been found and seized by Mehunbare Police on 27th August 2025, before the applicant pointed out that location. Those four weapons cannot therefore be described as fresh recoveries made in consequence of his subsequent disclosure. The evidence of seizure of the car and the burnt clothing remnants or the eyewitness material concerning the sickle left at the scene are also crucial. The medical opinion regarding the seized sharp weapons is also a supporting circumstance.

16. The principal submission is that the co-accused have been released on bail. In *Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana (Koli) and another, (2021) 6 SCC 230*, paragraph 26, the Supreme Court explained that parity depends upon the role attributed to the accused and his position in relation to the incident and the victim. Release of another accused in the same crime does not automatically establish an entitlement to bail; the relevant circumstances must be compared.

17. The order dated 26th March 2026 granting bail to Shivaji expressly notes that the first information report did not name him and that the recorded account of the injured during transportation to hospital did not disclose his involvement. It also notes that the enmity was essentially between Prabhakar

and accused No.1 Soma the present applicant. The order dated 6th May 2026 granting bail to Gaurav adopts the reasons in Shivaji's case and considers the absence of Gaurav's name from the first information report and his subsequent implication. So also the bail granted by the Hon'ble Supreme court to accused sunny is based on the bail granted to the co accused above. Those considerations do not apply to the present applicant, who was named at the outset and is attributed the personal grudge, repeated sickle blows on vital parts and threats to those seeking to intervene. The fact that the co-accused are also alleged to have used weapons has been kept in view. The distinction lies in the applicant's own role and the material supporting his identification, rather than merely in the weapons carried. Even accepting that the remaining co-accused have been released, parity cannot overcome these differences.

18. The applicant's custody since 30th August 2025, completion of investigation, and the trial position stated in the application are factors in his favour. His offer to remain outside Chalisgaon has also been considered. However, the absence of a need for further interrogation does not conclude the question of regular bail. The applicant is specifically alleged to have threatened persons who tried to intervene, and the injured and material witnesses are from the same locality. Read with the alleged personal enmity and the material concerning destruction of clothing, the apprehension of interference with witnesses cannot presently be dismissed as a general assertion. The application also discloses a pending case in Crime No.201 of 2025. Its pendency is not a

finding of guilt and is not treated as an independent ground for rejection. On a cumulative assessment, the custody undergone and the offered conditions do not presently outweigh the specific prima facie material, the applicant's leading role and the need to protect the evidence. Continued custody must, however, be accompanied by an earnest effort to proceed with the trial.

19. For these reasons, no case is made out for exercise of discretion in favour of the applicant. The application is rejected. The following order is passed.

ORDER

- (i) Bail Application No.1347 of 2026 is rejected.
- (ii) The Trial Court shall endeavor to proceed with Sessions Case No.219 of 2025 expeditiously, keeping in view the applicant's continued custody, and shall avoid unnecessary adjournments. The parties shall cooperate with the trial.
- (iii) The observations made above are confined to the decision of this bail application. The Trial Court shall decide the case independently, uninfluenced by these observations.

(HITEN S. VENEGAVKAR, J.)