IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1776 OF 2026

NAVNATH NAMDEV UGALMUGALE
Versus
THE STATE OF MAHARASHTRA
.....
Advocate for Applicant : Mr. Narayan B. Narwade
APP for Respondent - State : Mr. S. D. Ghayal
.....

WITH
BAIL APPLICATION NO. 1506 OF 2026

GANESH NAVNATH UGALMUGALE
VERSUS
THE STATE OF MAHARASHTRA
.....
Advocate for Applicant : Mr. Yogesh D. Kale
APP for Respondent - State : Mr. S. D. Ghayal
.....

CORAM : HITEN S. VENEGAVKAR, J.

DATED : 06th OCTOBER, 2026

ORDER :

1. These applications arise out of the same crime and are founded on common investigation papers. They have, therefore, been heard together and are being decided by this common order. The applicants seek regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.32 of 2026 registered on 9th January, 2026 with Pathardi Police Station, District Ahilyanagar, for the offences punishable under Sections 109, 115(2), 118(1), 189(2), 191(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023, and

Sections 3 and 4 read with Section 25 of the Arms Act, 1959. Both applicants were arrested on 11th March, 2026. The charge-sheet has been filed, and their application for regular bail before the Sessions Court was rejected by the order dated 1st July, 2026 passed below Exhibit 10.

2. The first information report was lodged by Ramdas Murlidhar Dhakane while undergoing treatment at Saideep Hospital, Ahilyanagar. According to him, two days before the occurrence, Ganesh had driven his motorcycle dangerously close to his son. On 7th January, 2026, at about 8.15 p.m., his brother Ambadas was returning home at Katewadi when a quarrel took place near the house of Shridhar Dhakane. On hearing the commotion, Ramdas went there and found Navnath, Vaijayanta, Dnyaneshwar, Ganesh, Dadasaheb and Sachin abusing and assaulting Ambadas. When Ramdas intervened, Navnath allegedly dealt three blows with a sword on his head, causing bleeding injuries. Dnyaneshwar is alleged to have assaulted Ramdas with a sword on his back, both upper arms and right thigh.

3. The prosecution further alleges that when Vinay, the son of Ramdas intervened, Dadasaheb, Ganesh and Sachin assaulted him with swords on his arms, left wrist, back and abdomen. Navnath and Vaijayanta allegedly held Ambadas and assaulted

him with kicks and fist blows, while Dnyaneshwar inflicted a sword injury on his abdomen. Navnath is also alleged to have fired a country-made pistol in the air. Thereafter, the accused left two motorcycles at the spot and departed in a Swift car. On the allegation that the assault was committed with the intention of causing the death of the injured, the present crime came to be registered against six persons.

4. The learned advocate for the applicants submits that the occurrence has resulted in cross-cases and that the prosecution has not disclosed the entire incident in its proper perspective. Navnath lodged Crime No.33 of 2026 against members of the informant's group, alleging an assault with an iron pipe and a stone. Attention is invited to the injuries sustained by Navnath and Dnyaneshwar and to the allegation that Ganesh was also assaulted. It is submitted that these circumstances cast doubt upon the prosecution's account of the commencement of the quarrel and support the defence that the applicants' group was itself attacked. The learned advocate also relies upon the interval of two days before registration of the FIR, the completion of investigation, the filing of the charge-sheet and the period of custody. He submits that the sword was seized from the spot, rather than discovered at the instance of either applicant, and that the country-made pistol

and cartridge have not been recovered.

5. The learned advocate further submits that Vaijayanta and Dadasaheb have been released on bail and that persons accused in the counter-case have also obtained bail. Insofar as Ganesh is concerned, it is submitted that the material does not distinguish the blows allegedly inflicted by him from those attributed collectively to Dadasaheb and Sachin. The separately described assaults on Ramdas and Ambadas are attributed to Navnath and Dnyaneshwar. There is no weapon recovery at Ganesh's instance, and no criminal antecedent is disclosed against him. The applicants are permanent residents of the address mentioned in the applications and undertake to attend the trial and comply with the conditions imposed by this Court.

6. The learned APP opposes the applications on the ground that the injured witnesses have described an armed assault which finds support in the medical papers. Ganesh is named in the FIR and Vinay's statement as one of the persons who assaulted Vinay with a sword; the accusation is not confined to his presence. Against Navnath, the prosecution relies upon the repeated sword blows on Ramdas's head, the firing allegation and the pending cases recorded in the Sessions Court's order. Reliance is also placed upon the witnesses' statements, the seizure of a sword bearing blood-like

stains, and the articles collected during investigation. The informant's objections, as noted in the Sessions Court's order, concern an organised attack upon vital parts of the body and the apprehension of threats and interference with the evidence.

7. While considering these applications, it is neither necessary nor appropriate to determine the truth of the rival versions by a detailed assessment of the evidence. Nevertheless, the nature of the accusation, the material concerning each applicant, the period of custody, antecedents and the protection of witnesses require consideration. The release of a co-accused does not dispense with that assessment. In case of ***Sagar v. State of U.P. and another***, reported in ***2025 SCC OnLine SC 2584***, the Hon'ble Supreme Court explained that parity is not an automatic entitlement to bail. The comparison must concern the role and position of the accused in the occurrence, together with the other relevant circumstances. The applicants' claim of parity is considered on that basis.

8. The medical papers do not support a submission that the occurrence resulted only in simple injuries. Ramdas's certificate records multiple incised wounds over the parietal and occipital regions of the scalp, besides other injuries, and describes the injury as grievous. Ambadas sustained a penetrating abdominal wound

with internal injury for which an emergency exploratory laparotomy was performed. Vinay's certificate also records serious injuries, including a penetrating injury on the right side of the chest associated with haemopneumothorax, and operative treatment. The medical opinion on the seized sword states that the recorded incised and penetrating wounds could be caused by that weapon. These papers prima facie support an assault with a sharp weapon. They do not, however, identify the author of each injury where the statements attribute the assault collectively.

9. The counter-case cannot be ignored. The annexed certificates record a grievous injury to Navnath's left forearm, including a fracture of the ulna, and serious head injuries to Dnyaneshwar, including skull fractures. Those injuries require consideration when the occurrence is examined at trial, and the defence version cannot presently be dismissed as inherently impossible. Equally, injuries on both sides do not, by themselves, determine which group initiated the assault or whether a particular act remained within the limits of private defence. Those questions must remain open. Bail granted to persons accused in the counter-case does not determine the entitlement of either applicant in this prosecution, where the allegations and injuries under consideration are different.

10. The argument regarding delay also must be examined with the contemporaneous papers. The injured were admitted to hospital on the night of the occurrence. The station diary entry dated 8th January, 2026 records the efforts to obtain their statements and the medical advice that they were then not in a condition to give statements. The papers thereafter record Ramdas's fitness to give his statement, which was recorded on 9th January, 2026. The intervening period cannot, therefore, presently be treated as an unexplained circumstance rendering the prosecution version fabricated. Whether the narration was influenced by subsequent discussion is a matter for testing the witnesses at trial.

11. Turning first to Navnath, the injured informant specifically attributes three sword blows on his head to him. The location and multiplicity of the incised scalp wounds prima facie correspond with that account. Ambadas's statement also attributes the sword assault on Ramdas's head to Navnath. Arjun Gangadhar Dhakane describes reaching the spot when the injured were lying there and seeing a sword in Navnath's hand. What Ramdas subsequently told Arjun about the preceding assault must be distinguished from Arjun's own observations. Satish Gangadhar Ghule describes witnessing the group assault and the firing by

Navnath. His statement was recorded later, on 29th March, 2026, and its timing and reliability remain open to examination. The prima facie case against Navnath does not, however, depend upon that statement alone, having regard to the injured witnesses' accounts and the medical papers.

12. The sword was seized from the scene and is not treated as a discovery at Navnath's instance. Nor does the mere presence of blood-like stains establish whose blood was present. The forensic forwarding letters and acknowledgements in the papers are not laboratory findings establishing a match. The clothes of Navnath and Dnyaneshwar were produced by their relatives and seized in the counter-case. Their stains cannot be treated as necessarily belonging to the injured in this prosecution, especially when Navnath and Dnyaneshwar were themselves injured. The non-recovery of the pistol and cartridge also bears upon the proof of the firing allegation. These limitations have been considered. Even leaving the firing allegation and any unestablished forensic connection aside, the specific accusation of repeated sword blows directed at Ramdas's head, read with the medical findings, remains substantial material against Navnath.

13. The Sessions Court's order additionally records three pending cases against Navnath, namely Crime Nos.17 of 2025, 345

of 2021 and 30 of 2023 at Pathardi Police Station. Their pendency is not proof of guilt or an automatic bar to bail. Nevertheless, they are relevant to the apprehension of repetition and interference, particularly since two concern allegations of assault or intimidation. Considered with the present accusation, the weapon allegedly used, the repeated blows to the head and the concern for the injured witnesses, these circumstances weigh against release. Completion of investigation, the filing of the charge-sheet and the period of custody have been considered, but do not sufficiently outweigh the material against Navnath at this stage. His role is materially different from that of Vaijayanta and from the collective role attributed to Dadasaheb concerning Vinay. Navnath's application, therefore, deserves rejection.

14. Ganesh's case requires a separate assessment. Ramdas and Vinay expressly name him, with Dadasaheb and Sachin, in the sword assault on Vinay. Arjun also states that he saw a sharp weapon in Ganesh's hand. Ganesh cannot, therefore, be treated as a mere spectator and Vinay's grievous injuries cannot be discounted. However, the accusation concerning those injuries is made against the three persons collectively, without allocating the particular blows or identifying Ganesh as the author of the penetrating chest injury. The repeated head blows on Ramdas and the separately

specified abdominal sword assault on Ambadas are attributed to Navnath and Dnyaneshwar respectively.

15. Section 190 of the Bharatiya Nyaya Sanhita is invoked, and the absence of an individually allocated injury does not exclude liability for an offence committed in prosecution of the common object of an unlawful assembly. This Court is not deciding that issue in Ganesh's favour. For bail, however, the specificity of the accusation, the supporting material concerning the individual applicant and the position of a similarly placed co-accused remain relevant. Dadasaheb, who has been released on bail, is named with Ganesh and Sachin in the same allegation concerning the assault on Vinay. Ganesh's request thus involves a comparison within the very same part of the prosecution case. It is a closer comparison than Navnath's claim of parity with the released accused and is considered with Ganesh's individual circumstances, rather than as a sufficient ground by itself.

16. No weapon has been recovered at Ganesh's instance, and no seizure of his clothes is shown in the common papers. The station diary contains the police account that Ganesh and Dadasaheb stated that their clothes had been used, washed and discarded. That entry cannot be treated as a proved admission of participation or as a forensic connection to a particular injury.

Absence of a recovery does not nullify the injured witnesses' statements, but no additional recovery is demonstrated which connects Ganesh more specifically to the serious injury and distinguishes him from Dadasaheb in that respect. No criminal antecedent is disclosed against Ganesh in his application or recorded against him in the Sessions Court's order. The antecedents recorded against Navnath cannot be attributed to Ganesh merely because they are related or accused in the same crime.

17. Ganesh has remained in custody since 11th March, 2026. The charge-sheet was filed on 13th April, 2026, and the case has been committed to the Sessions Court. The earlier refusal of anticipatory bail preceded his arrest and completion of these steps and does not conclude his entitlement to regular bail now. Considering the collective attribution concerning Vinay, the release of Dadasaheb who is named in that attribution, the absence of an antecedent disclosed against Ganesh, completion of the principal investigation and the period already spent in custody, this Court is satisfied that further detention of Ganesh pending trial is not necessary. This conclusion does not rest upon a finding that Vinay's injuries were simple or that Ganesh was not involved, but upon the cumulative circumstances relevant to release on

conditions.

18. The concern expressed for the injured witnesses deserves protection, particularly since the parties belong to the same village and the occurrence has resulted in cross-cases. In Ganesh's case, that concern can be addressed by prohibiting contact with or intimidation of prosecution witnesses, requiring him to reside outside Katewadi for a limited period, and securing his attendance before the investigating officer and the trial Court. Any subsequent interference or breach would furnish a basis for seeking cancellation of bail. Subject to these safeguards, Ganesh's application is allowed, whereas Navnath's application is rejected. Hence, the following order:

ORDER

(i) Bail Application No.1506 of 2026 is allowed.

(ii) The applicant - Ganesh Navnath Ugalmugale, shall be released on bail in Crime No.32 of 2026 registered with Pathardi Police Station, District Ahilyanagar, for the offences referred to in paragraph 1, on executing a personal recognizance bond of Rs.25,000/- with one or more solvent sureties in the like amount, to the satisfaction of the trial Court.

(iii) Ganesh shall not directly or indirectly contact, threaten, induce or influence any prosecution witness, or tamper with the prosecution evidence.

(iv) For six months from the date of release, Ganesh shall reside outside village Katewadi and shall not enter that village without prior permission of the trial Court. Before release, he shall furnish his proposed residential address and mobile number to the trial Court and the investigating officer. Any subsequent change shall be communicated to both within seven days.

(v) Ganesh shall report to Pathardi Police Station on the first Sunday of every month between 10.00 a.m. and 12.00 noon for six months from the date of release.

(vi) Ganesh shall attend the trial Court on the dates fixed for his appearance unless exempted by that Court, and shall cooperate with the expeditious conduct of the trial.

(vii) Bail Application No. 1776 of 2026 preferred by Navnath Namdeo Ugalmugale is rejected.

(viii) All observations are prima facie and confined to bail. The trial Court shall decide the prosecution independently on the evidence adduced, uninfluenced by these observations. No finding is recorded on the merits of the counter-case or the defence of private defence.

(ix) Both applications stand disposed of accordingly.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale