



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 5 OF 2025

Rajendra s/o Mohan Pathare,
Age 43 years, Occ : Business,
R/o Datta Chowk, Bhushan Nagar,
Kedgaon, Ahmednagar.

... Applicant

Versus

The State of Maharashtra

... Respondent

**WITH
CRIMINAL APPLICATION NO. 222 OF 2025
IN BAIL APPLICATION NO. 5 OF 2025**

Nilesh s/o Bhausahab Satpute,
Age 38 years, Occupation Business,
R/o. Satpute Chowk, Kedgaon,
Nagar Pune Road, Ahmednagar,
Taluka and District Ahmednagar.

... Applicant

Versus

1. Rajendra S/o Mohan Pathare
Age 42 years, Occupation Business,
R/o. Datta Chowk, Bhushan Nagar,
Kedgaon, Ahmednagar,
Taluka and District Ahmednagar.

2. The State of Maharashtra.

... Respondents

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Mr. N. S. Ghanekar, Advocate for the Applicant in Bail Application No. 5 of 2025 and Respondent No.1 in Criminal Application No. 222 of 2025.

Mr. Narayan B. Narwade, Advocate for the Applicant in Criminal Application No. 222 of 2025.

Mr. N. D. Batule, APP for the Respondent-State in both Applications.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 05.03.2025

Pronounced on : 06.03.2025

ORDER :

1. Criminal Application No. 222 of 2025 is at the instance of original informant, seeking permission to assist APP in prosecuting the bail application. For the reasons mentioned in the application, applicant-original informant is permitted to assist APP. Criminal Application No. 222 of 2025 is accordingly disposed off.

2. The applicant in Bail Application No. 5 of 2025 is seeking regular bail on account of his arrest in crime no. 996 of 2024 registered with Kotwali Police Station, District Ahmednagar for offences punishable under Sections 109, 119(1), 118(2), 115(2), 61(2), 351(2), 352, 189(3), 189(4), 191(2), 191(3), 190 of the Bharatiya Nyaya Sanhita [BNS].

3. Learned counsel submits that applicant is arrested in above crime on 08.10.2024. That, there was some civil dispute. That, there are allegations of assault against three persons and as regards the present applicant is concerned, there is allegation of hitting tommy, that too on the leg, and causing fracture. No further allegations are

levelled against him. That, allegations about use of hammer are directed against other accused. Learned counsel pointed out that in fact, there are allegations against Prashant, but surprisingly he is not chargesheeted. That, now investigation is over and no further recovery is to be made. Chargesheet is already filed on 20.12.2024 and applicant is behind bars since almost six months and there being no immediate prospects of matter going for framing of charge or trial, learned counsel seeks grant of bail on any conditions deemed fit by this Court.

4. Learned APP as well as learned counsel, who is allowed to assist learned APP, have both strongly opposed on the ground that there is direct evidence. That allegations are of assaulting by means of tommy. Learned APP pointed out that seven persons are still absconding. For all above reasons, they both seek rejection and also apprehend misuse of liberty.

5. Heard. Perused the FIR dated 10.09.2024. Informant Nilesh has reported that getting annoyed due to complaint lodged for illegal construction, around 9.20 to 9.30 p.m., initially Vijay, Rajendra (present applicant) and Prashant came together and started construction work at the office site which was objected by informant's

aunt Sunita. That time, it is alleged that above three persons brought hammer, pahar (iron rod) and tommy. Thereafter, some more persons join them, whose names are given, and it is alleged that Vijay hit hammer on the head and present applicant hit tommy on the legs.

6. Injury certificate shows that informant has suffered fracture injury to tibia. Now seizure is already said to be effected. Investigation is over and chargesheet is said to be filed in December 2024. No further recovery is shown to be yet made. Considering the nature of allegations and as there are no immediate prospects of matter going for trial, relief as prayed deserved to be granted. Apprehension expressed about misuse of liberty can be taken care of by imposing stringent conditions. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant Rajendra s/o Mohan Pathare be released on bail in connection with Crime No. 996 of 2024 registered with Kotwali Police Station, District Ahmednagar, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the jurisdiction of the concerned police station till conclusion of trial.

[c] The applicant shall not enter village Kedgaon till conclusion of trial.

[d] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Friday between 11.00 a.m. to 02.00 p.m. till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]

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