



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 101 OF 2025

Rahul S/o Vyankatrao Kalyane
Age: 26 years, Occu.: Nil,
R/o. Mugat, Tq.Mudkhed, Dist.Nanded.Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Police Station, Mudkhed,
Tq.Mudkhed, Dist.Nanded.Respondent

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Advocate for Applicant : Mr. Shrikant G. Kawade
APP for Respondent : Mr.VM.Jaware

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CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 27 FEBRUARY, 2025
PRONOUNCED ON : 28 FEBRUARY, 2025**

ORDER :

1. Applicant seeks enlargement on bail on account of his arrest in crime no.0162 of 2023 registered at Mudkhed Police Station, Dist.Nanded, for offence under Sections 302, 326, 324, 435, 504, 506 read with 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act.

2. Pointing to the date of arrest of applicant as 03-08-2023, it is submitted that applicant is not main accused rather he is shown as

co-accused. That, there are allegations of assault by means of knife. That, allegations of use of sword is against other accused. That, applicant is behind bars since August 2023. That, investigation is already over. That, chargesheet is filed in October, 2023 itself. That, there are no immediate prospects of matter coming to conclusion. That, there is long incarceration and hence, learned counsel seeks grant of bail on above grounds.

3. Learned APP strongly opposed pointing out that applicant has not only named in the FIR but he was also seen stabbing deceased. That, there is direct eye witness account. Learned APP emphasized that deceased suffered as many as 31 injuries. Moreover, learned APP submitted that trial has already commenced. For such reasons, learned APP opposed grant of bail.

4. Heard. Perused the FIR dated 03-08-2023 at the instance of one Ramdas Narayan Puyad. Substance of the FIR is that Raju Puyad, neighbour of informant, was taking education in a College and 2-3 days back, there was quarrel between Jitesh Dhage and Raju Puyad. It is informed that on 02-08-2023, Pranav Puyad had called Jitesh Dhage to give him understanding near Mondha, Nanded. At

that time, informant accompanied by Shivraj Puyad, Pranav Puyad, Guru Kadam, Raju Puyad went to Mondha at around 02:00 p.m. It is alleged that, there Raju Puyad slapped Jitesh Dhage and they had returned home by 04:00 p.m. It is further informed that at around 06:00 p.m., Jitesh Dhage telephoned informant issuing threats. As Jitesh was making repeated calls, informant alongwith Shivraj went to Mugad to give understanding to Jitesh and they were again joined by Avadhut Puyad, Amol Puyad, Bunty Puyad and Vasant Puyad. It is alleged that at 10:00 p.m. they had reached Jijau Chowk, at that time, Jitesh Dhage and Rahul Kalyane i.e. present applicant were sitting together. That time, Jitesh threatened to kill by saying that he has been insulted and he took out a sword kept near Ota and assaulted Shivraj. Present applicant Rahul also allegedly stabbed Shivraj with knife at chest and abdomen and other parts of the body as a result of which, Shivraj collapsed. Thereafter, Amol Puyad and Bunty Puyad took injured Shivraj to the hospital.

5. Learned APP has pointed out to the post mortem report and submitted that deceased Shivraj has suffered as many as 31 injuries and most of them are stab and incised wounds and death is attributed due to “stab injuries to chest and abdomen”.

There are statements of witnesses, who were party to the occurrence. They are all *prima facie* consistent.

Thus, here there is direct evidence. No doubt, applicant is shown to be arrested in August, 2023 and even chargesheet is shown to be filed in October, 2023, however, considering the statement made by learned APP that trial has already commenced and PW1 being already examined, for such specific reason, this Court is not inclined to grant bail as trial is already shown to have commenced. Hence, the following order :

ORDER

Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE