



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 448 OF 2025

Nikhil Chandrakant @ Kantaram Munde,
Age 25 years, Occupation Education,
R/o. Bhopla, Taluka Parli-Vaijnath,
District Beed.
At Present – Samata Nagar,
Taluka Parli-Vaijnath, District Beed.

... Applicant

Versus

1] The State of Maharashtra,
Through Officer Incharge,
Police Station Parli (City),
District Beed.

2] The Superintendent of Police,
District Beed.

... Respondents

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Mr. S. J. Salunke, Advocate for the Applicant.

Mr. C. V. Bhadane, APP for Respondent Nos. 1 and 2-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 01.04.2025

Pronounced on : 02.04.2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in crime no. 22 of 2025 registered at Parali City Police Station, District Beed for offences punishable under Sections 109, 118(2), 115(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita (BNS).

2. Pointing to the date of arrest as 03.02.2025, learned counsel submitted that there are mere allegations of assault by stone. That, at the time of incident, applicant was not armed. He allegedly picked up stone lying at the spot and hurled it. There was no previous animosity or any intention to commit the offence. That, quarrel was with one Vishal @ Yogesh. The incident was a result of scuffle. That, nothing being used except hurling stones, there is nothing to be recovered and as applicant is ready to abide any condition imposed by this Court and further ready to cooperate in the investigation, learned counsel urges for grant of bail. Learned counsel further pointed out that applicant is a candidate for upcoming recruitment in State Reserved Police Force.

3. Learned APP opposed on the ground that applicant is named. He has used stone. Grievous injuries are caused. In support of such submissions, learned APP took this Court through the injury certificate. He submitted that one accused is still absconding and as investigation is in progress and there is every possibility of hampering and tampering the investigation, learned APP opposes the bail application.

4. Heard both sides. Perused the FIR dated 03.02.2025 at the instance of one Nitin Sanjay Munde. Nitin lodged report that on 02.02.2025 around 20.30 hours, Kishor @ Mayur was standing near a

pan stall. There, Vishal @ Yogesh, Avinash and Nikhil (present applicant) came and they questioned Kishor for standing there, resulting into some heated exchange or words followed by giving slaps and fist blots. It is alleged that, Kishor called up informant and reported the incident and therefore, informant questioned Yogesh for said beating. At that time, Yogesh called informant at Rajgad hotel. Accordingly, when informant, one Phulchand, Shubham, Gudiba @ Suraj, Kishor and Meghraj reached hotel. It is further alleged that Vishal @ Yogesh, Nishant, Avinash and Nikhil (present applicant) reached there on two motorcycles and started giving kicks and fist blows to Phulchand. That time, it is alleged that, present applicant picked up a stone near the road and hit it on the head of Phulchand. On above report, crime has been registered.

5. Injury certificate shows that there are five injuries, out of which, three are grievous, i.e. on ear, mastoid bone and temporal region. Apparently, as submitted, allegations against present applicant are of picking up stone lying on the spot and using the same. Precisely taking such nature of allegations into consideration and as submitted, incident had taken place all of sudden and applicant did not go armed and rather picked up a stone lying there and used it, and when no further article is shown to be recovered or discovered at his instance,

further investigation can be carried out by securing presence of the applicant. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant be released on bail in connection with Crime No. 22 of 2025 registered at Parali City Police Station, District Beed, 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 in any manner
 - [b] The applicant shall not contact the informant in any manner, directly or indirectly.
 - [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
 - [d] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday, so also as and when called by the concerned Investigating Officer, on prior notice, for further investigation, if any, till filing of charge sheet and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]