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

BAIL APPLICATION NO.597 OF 2025

Anil S/o Maroti Makle,
Age: 25 years, Occu.: Labour,
R/o. Misalwadi, Aurangabad ... Applicant

Versus

The State of Maharashtra
(Through CIDCO Police Station,
District Aurangabad) ... Respondent

.....
Mr. N.S. Ghanekar, Advocate for Applicant (through V.C.)
Mrs. Vaishali S. Chaudhari, APP for Respondent - State
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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 25 APRIL 2025
PRONOUNCED ON : 28 APRIL 2025

PER COURT :-

1. Present application is for grant of regular bail on account of arrest of applicant in Crime No.0802 of 2024, registered with CIDCO Police Station, District Chhatrapati Sambhajnagar for offences punishable under Sections 103(1), 109, 189(2), 190, 191(2), 193(3), 238 of the Bharatiya Nyaya Sanhita (BNS) and under Sections 4/25 of the Arms Act and under Sections 37(1) and 135 of the Maharashtra Police Act.

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2. Pointing to the date of arrest of the applicant as 06.12.2024, learned counsel submitted that, applicant is shown as accused No.5. That, occurrence is of 05.12.2024. That, brother of deceased has lodged report. That, allegations are in all against four accused person. That, some of the so called eyewitness are not named named applicant. That, his name has been spelt out in the concluding paragraph of the FIR without specifying his role. That, no recovery of any weapon is made from his side. That, there are allegations that, he used wooden plank to assault, but column No. 17 of postmortem report only shows injury to toe of the foot and not on any vital part. That, now investigation is over and charge-sheet is filed in March 2025. That, future course of trial is uncertain, and as applicant is ready to abide all and any conditions imposed by this Court, learned counsel urges for grant of bail.

3. The learned APP opposed the application on the ground that the applicant is named in the FIR and that injury No. 5 in column No. 17 of the postmortem report is attributed to the applicant. That, statements of eyewitnesses recorded under sections 180 and 183 of BNSS are consistent. That, applicant was the member of unlawful assembly. That, serious offence is

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committed and though charge-sheet is filed, she apprehends misuse of liberty and prays to reject the application.

4. Heard. Perused the papers. FIR is at the instance of one Babasaheb Khalge. He has reported that, his brother Vikas sometime consumed liquor, and he was acquainted with Banti Ragde, Santosh Dhoble, Rahul Ragde, Shubham Satdive and Anil Makle (present applicant) all residents of Misarwadi. It is further reported that on 05.12.2024, he learned from his neighbour that her son abused by Vikas and requested him to accompany her, and therefore, he went to the ground with her. He claims that, there he saw that Banti Ragde was armed with a knife; whereas Santosh Dhoble was holding sword and their companion Shubham Satdive was having an axe, and they were inflicted blows on his brother Vikas. When he ran to rescue his brother, and as people started gathering, above persons allegedly ran from the spot. Injured was taken to the Hospital, who later on succumbed. Hence the report.

5. At least in the FIR, though name of the applicant Anil Makle is appearing, allegations of use of knife, sword and axe are attributed to Banti Ragde, Santosh Dhoble and Shubham Satdive. Learned APP has pointed out that, in the statements of

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eyewitnesses, role of applicant has been crystallized for using wooden plank. Learned APP also invited the attention of this Court to the column no.17 of the postmortem report, specifically injury No. 5, which shows a lacerated wound on the dorsum of the left foot and left great toe, and injury No. 6, which is an abrasion on the dorsal aspect of the left second toe. Therefore, there is no use of deadly weapon. Site of injury is lower extremities, i.e. feet. Now, charge-sheet is filed in March 2025.

6. Taking the above material into consideration, no further recovery or discovery is shown to be made at the instance of applicant, and in the light of the above role, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0802 of 2024, registered with CIDCO Police Station, District Chhatrapati Sambhajnagar on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:

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- [a] The applicant shall not tamper prosecution evidence.
- [b] The applicant shall not enter vicinity of Misarwadi, Taluka and District Chhatrapati Sambhajanagar, till conclusion of trial.
- [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 Thursday and Monday till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane