



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 670 OF 2025

1. Tejas Ashok Kagde
Age : 23 years, Occupation : Student,
2. Shailesh Ashok Kagde
Age : 21 years, Occupation: Student,
R/o. Lakhegaon, Taluka Paithan,
District Aurangabad. ... Applicants

Versus

The State of Maharashtra
(At the instance of Bidkin Police Station,
Taluka Paithan, District Aurangabad. ... Respondent

.....
Mr. Abhasinh K. Bhosle, Advocate for the Applicant.
Mr. P. K. Lakhotiya, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

DATE : 22.04.2025

ORDER :

1. Applicants seek grant of regular bail on account of their arrest in crime no. 144 of 2025 registered at Bidkin Police Station, District Chattrapati Sambhajinagar (Rural) for offences punishable under Sections 352, 351(3), 3(5), 126(2), 109 of the Bharatiya Nyaya Sanhita (BNS).

2. Learned counsel pointed out that applicants are brothers. They are arrested merely on allegations of hurling abuses. Allegation of overt act is attributed to their father. It is further pointed out that, applicant no.2 is a student and copies of papers regarding his educational qualification as well as hall ticket of examination which he is to face, are placed on record. Lastly, pointing to the nature of allegations, when there is no recovery or discovery at their instance, learned counsel urges for grant of bail.

3. Learned APP opposed on the ground that, applicants are named in the FIR. That, there are allegations that they helped in pulling the victim and hurling abuses. He also pointed out that investigation is still incomplete. For all above reasons, bail is opposed.

4. Heard. Perused the FIR dated 17.03.2025 at the instance of one Bhagwan Kagde, a retired Police Patil, who reported that Ashok Kagde and his two sons, namely Tejas and Shailesh (present applicants), are neighbours. That, there were disputes between them and one Kalyan Kadge since one year. According to the informant, accused Ashok was annoyed as his proposal to marry his son with the

daughter of said Kalyan was unsuccessful. He has further reported that on 16.02.2025, there was quarrel between accused Ashok and said Kalyan. Thereafter, informant accompanied said Kalyan to police station where he lodged complaint against accused Ashok. Annoyed by the same, when informant and Kalyan returned to village, that time, it is alleged that, Ashok came with *koyta* in his hand, hurled abuses and rushed over informant, whereas his sons Tejas and Shailesh also came there and they pulled down informant from the motorcycle. That, informant suffered injury on head with *koyta*.

5. Therefore, as pointed out, allegations of use of *koyta* and the overt act is attributed to Ashok and not to the present applicants. Considering the nature of allegations against the applicants and also the fact that, one of them is about to face examination, though charge sheet is not filed and investigation is in progress, when nothing is shown to be recovered or discovered at their instance, no purpose would be served by their further detention. Hence, I proceed to pass the following order :

ORDER

I. The application is allowed.

II. Applicants be released on bail in connection with Crime No. 144 of 2025 registered at Bidkin Police Station, District Chattrapati Sambhajinagar (Rural), on executing Personal Bond of Rs. 15,000/- each, with one surety by each in the like amount, on the following conditions:

[a] The applicants shall not tamper prosecution evidence and shall not make any attempt to influence victim or witnesses in any manner.

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

[c] The applicants shall attend the concerned police station once in every week i.e. on every Thursday 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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