



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

31 BAIL APPLICATION NO.672 OF 2025

1] VAIBHAV SURESH YADAV
2] MANOJ NANASAHEB YADAV

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr.Shailesh S. Chapalgaonkar

APP for Respondent-State : Mr.D.J.Patil

Advocate for Assist to P.P. : Mr.S.K.Kadam h/f.

Mr.V.S.Kadam

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**WITH
BAIL APPLICATION NO. 676 OF 2025**

1] UMESH ARUN KALE
2] PANDURANG GOPINATH KALE
3] SUNIL BABAN KALE
4] SARIRAJ PANDURANG KALE
5] PRASAD VITHAL KALE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr.Shailesh S. Chapalgaonkar

APP for Respondent-State : Mr.D.J.Patil

Advocate for Assist to P.P. : Mr.S.K.Kadam h/f.

Mr.V.S.Kadam

...

**WITH
CRIMINAL APPLICATION NO. 2126 OF 2025
IN BA/676/2025**

**WITH
CRIMINAL APPLICATION NO. 1398 OF 2025
IN BA/672/2025**

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 11.08.2025

P.C. :

1] Heard. For the reasons stated in Criminal Application No.2126/2025 & 1398/2025 for assisting to the P.P., the same are allowed. The Criminal Applications are disposed of accordingly.

2] Heard learned counsel for the applicants, the learned APP for the respondent-State and the learned counsel for assist to P.P.

3] The applicants are seeking bail as they are arrested on 30.11.2024 in connection with Crime No.847/2024, registered with Shrirampur Police Station, Taluka Shrirampur, District Ahmednagar, for the offence punishable under Sections 109, 103 (2), 118 (1), 189 (2), 190, 191, 351 (2), 352 of the Bharatiya Nyaya Sanhita.

4] The case against the present applicants is that on 28.08.2024 the applicants have assaulted the deceased by means of rope and waist belts on the count of marriage of the son of informant and daughter of one of the accused persons by eloping. As such, the FIR is registered against the present applicants.

5] The learned counsel for the applicants submits that the allegations are that applicants have assaulted the deceased by means of rope and belt and thus it can be said that the applicants had no intention to kill the deceased. He further submits that immediately the deceased was taken in the private Hospital and thereafter within 24 hours he was transferred in the Rural Hospital and after 6 days the injured succumbed to injuries. Considering the said fact, bail should be granted in favour of the applicants.

6] *Per contra*, the learned APP, so also, the learned counsel for assist to P.P. submit that the applicants have assaulted the deceased and there are 18 injuries caused to the deceased by the applicants and due to the said injuries, the injured succumbed to injuries. As such, bail should not be granted in favour of the applicants.

7] Having considered the rival submissions. There is statement of eye witness, who has stated the name of all applicants, except the applicant no.1, namely, Umesh Arun Kale in Bail Application No.676/2025, in his statement recorded under Section 183 of BNSS as the assailants. Considering the injuries caused to the deceased, so also, considering the statement of eye witness, the applications of all applicants, except applicant no.1, namely, Umesh Arun Kale, are dismissed. However, liberty is reserved to the

applicants to apply afresh after 9 months in the event the trial does not conclude. The liberty is reserved to apply afresh after 9 months as the alleged facts may constitute offence within Section 304 Part I of IPC [106 of BNS].

8] As regards the applicant no.1, namely, Umesh Arun Kale in Bail Application No.676/2025 is concerned, the eye witness in his statement under Section 183 of BNSS has not taken the name of the applicant no.1, namely, Umesh Arun Kale. However, he was arrested on the basis of statement, recorded by the police, under Section 180 of the BNSS. In view of the same, the applicant Umesh Arun Kale is granted bail. Bail Application No.676/2025 is allowed to the extent of applicant no.1, namely, Umesh Arun Kale, in the following terms :

a] The applicant no.1, namely, Umesh Arun Kale in Bail Application No.676/2025, shall be released on bail in connection with Crime No.847/2024, registered with Shrirampur Police Station, Taluka Shrirampur, District Ahmednagar, for the offence punishable under Sections 109, 103 (2), 118 (1), 189 (2), 190, 191, 351 (2), 352 of the Bharatiya Nyaya Sanhita, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant applicant no.1, namely, Umesh Arun Kale in Bail Application No.676/2025, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant no.1, namely, Umesh Arun Kale in Bail Application No.676/2025 shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

e] The applicant no.1, namely, Umesh Arun Kale in Bail Application No.676/2025 shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant no.1, namely, Umesh Arun Kale in Bail Application No.676/2025, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

9] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant no.1, namely, Umesh Arun Kale in Bail Application

No.676/2025 shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] Both Applications of all applicants except applicant no.1 in ABA No.676/2025, namely, Umesh Arun Kale, are dismissed. Bail Application No.676/2025 in respect of applicant, namely, Umesh Arun Kale is allowed.

[ARUN R. PEDNEKER]
JUDGE

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