



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

BAIL APPLICATION NO. 1202 OF 2025

ASHOK RAMNATH KAGDE

VERSUS

THE STATE OF MAHARASHTRA

WITH

CRIMINAL APPLICATION NO. 2578 OF 2025

IN BA/1202/2025

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Advocate for Applicant : Mr. Abhaysinh K. Bhosle

APP for Respondent/State : Mr. S.M. Ganachari

Advocate for Applicant in Cri. Appln.2578/2025 : Mr. Ram S. Malani

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CORAM : MEHROZ K. PATHAN, J.

DATE : 11th NOVEMBER 2025

PER COURT :

1. The Applicant has approached this Court, praying for regular bail in connection with Crime No.144/2025 registered with the Bidkin Police Station, Taluka Paithan, District Aurangabad for the offences punishable under Sections 109, 126(2), 352, 351(3) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution story is that on 17.03.2025 Informant lodged report alleging therein that, he is retired police patil and used to intervene and pacify discords amongst villagers. Kalyan Kagde and Ashok Kagde had quarrel for last one year and Informant gave them understandings. On 16.03.2025 they had altercations and Kalyan filed complaint with the Bidkin Police Station. Informant

accompanied Kalyan till the police station. While they returned at 09:30 pm. Ashok came in front of them with Sickle in his hand. He abused and attacked on Informant by saying he is provoking differences amongst them. Informant evaded blow of sickle, at that time present Applicant came on the spot and abused Informant. They tried to push him from motorcycle at that time Ashok inflicted blow on his head. Villagers gathered to pacify the quarrel and conveyed Informant to the hospital.

3. The learned Counsel for the Applicant submits that Ashok is aged 55 years and is arrested on 17.03.2025. The other two accused Tejas and Shailesh who has equal role in assaulting the victim Bhagwan, are already released by this Court vide order dated 22.04.2025. The Counsel for the Applicant further submits that investigation is already complete and the charge-sheet is filed, therefore the further detention of the Applicant may not be necessary.

4. As against this, the learned APP appearing for the State, vehemently opposes the present application. It is submitted that there are four eyewitnesses to the incident, and that the Applicant used a dangerous weapon, namely a Koyata, for causing grievous injuries to the victim. The victim has suffered two grievous injuries and the weapon is also recovered at the instance of the present Applicant. He further states that the Applicant and the complainant being residents of the same area, there is every likelihood that the Applicant may threaten the prosecution witness and thereby caused prejudice to the trial.

5. The learned Counsel for the complainant who has filed application to assist the prosecution, also adopts the arguments of the learned APP and submits that the Applicant is already convicted in one of the cases. The Applicant has a tendency to indulge in bodily offences and as such the Applicant may not be released on bail.

6. I have gone through the record and found that the other two co-accused Tejas and Shailesh have already been released by this Court before filing of the charge-sheet vide order dated 22.04.2025. I have gone through the medical certificate of injured witness Bhagwan which shows that though the injury was grievous in nature, the victim therein was immediately discharged after two days.

7. The investigation is already complete and the weapon was also recovered during the course of investigation. The charge-sheet is filed and in my opinion therefore the further detention of the Applicant would not serve any fruitful purpose. The apprehension raised by the learned APP as well as the learned Counsel for the complainant could very well be taken care by imposing stringent conditions upon the Applicant. Hence the following order :

ORDER

(a) The Bail Application is allowed.

(b) The Applicant – Ashok Ramnath Kagde, be released on bail on furnishing P.B. of Rs.50,000/- (Rupees Fifty Thousands) with two sureties of the like amount, in connection with Crime No.144/2025 registered with the Bidkin Police Station, Taluka Paithan, District

Aurangabad for the offences punishable under Sections 109, 126(2), 352, 351(3) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions:

- (i) The Applicant shall not enter the village Lakhegaon and the jurisdiction of Police Station, Bidkin till the framing of the charge.
 - (ii) The Applicant shall attend each and every date of the trial Court without fail unless exempted by the trial Court on emergent consideration.
 - (iii) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (iv) The Applicant shall submit his Aadhar and PAN Card to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.
 - (v) A single incident of the Applicant violating the conditions may entitle the Prosecution to seek cancellation of bail of the Applicant.
- (c) The Application stands disposed of accordingly.
- (d) The application assisting the Prosecution is also disposed of.

MEHROZ K. PATHAN
JUDGE