



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

945 BAIL APPLICATION NO. 1689 OF 2025

1. Tatya Bapu Kale
 2. Rajendra Bhau Kale
-APPLICANTS**

VERSUS

1. The State of Maharashtra
-RESPONDENT**

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Mr. A. N. Nagargoje, Advocate for Applicant

Mr. K. K. Naik, APP for Respondent/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 24.09.2025

PER COURT :-

1. Heard.
2. This is an application for granting of regular bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.0004 of 2025, registered at Yermala Police Station, District Dharashiv, for the offences punishable under Sections 103(1), 109, 118(1), 115(2), 189(2), 191(2), 191(3), 190 and 303(2) of the Bhartiya Nyaya Sanhita, 2023.
3. The informant averred in the report that a quarrel took place between his family and the family of the applicants on 05.01.2025 at about 04:00 P.M. During the incident, the applicants and other co-accused assaulted the family members of the informant, particularly his father, brother and mother. It is further averred that co-accused Uttreshwar assaulted the informant's father with a sickle and co-accused

Bhagyawant assaulted his brother Parmeshwar with a knife. Both of them succumbed to the injuries. Thereafter, the report was lodged against the family members of the applicants.

4. The learned advocate for the applicants submitted that the applicants have been falsely implicated in the crime. Applicant No.2 is a 77 years old person. It is submitted that the allegation of assault by the applicants with sticks is false and it is wrongly alleged in the report that they assaulted the father, brother and other family members of the informant. The applicants have no criminal antecedents. The practical investigation is over. The trial will take long period. It is submitted that the applicants have roots in the society and they will not flee away from the trial. It is lastly prayed to allow the application.

5. The learned APP for the State strongly opposed the application and submitted that the applicants are involved in a serious crime. If they are released on bail, they will certainly pressurize prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application,

6. Perused the report, post mortem report, injury certificates of the injured persons and the statements of witnesses, particularly the statement of Vaijyantabai Appa Kale, who specifically stated that the present applicants assaulted them with sticks at the time of quarrel. Considering the role attributed to these applicants, it is evident that the main assault with

deadly weapons (sickle and knife) was carried out by co-accused Uttreshwar and Bhagyawant, whereas the present applicants are alleged only to have used sticks. The applicants have no criminal antecedents. They have roots in the society and they will not flee away from the trial. Trial will take long period. Considering all these aspects, the application deserves to be allowed on the principle that bail is rule and jail is exception. Hence, the following order:

::ORDER::

- I. The application is allowed.
- II. The applicants, in connection with Crime No.0004 of 2025, registered at Yermala Police Station, District Dharashiv, for the offences punishable under Sections 103(1), 109, 118(1), 115(2), 189(2), 191(2), 191(3), 190 and 303(2) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on furnishing personal bond of Rs.25,000/- each with one surety each of the like amount on following conditions:-

- a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
- b) The applicants, except on the date fixed for hearing of the trial, shall not enter in village Bavi, Taluka Washi, District Dharashiv, till the conclusion of the trial.

[SANJAY A. DESHMUKH, J.]