



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1716 OF 2025

Chotu Alias Ganesh Rajaram Erande

VERSUS

The State Of Maharashtra

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- Mr. Abhaysinh K. Bhosle, Advocate for Applicant
- Mr. V. M. Kagne, APP for Respondent - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 11.11.2025

PER COURT :

1. The applicant has approached this Court seeking grant of regular bail in connection with FIR bearing Crime No. 128 of 2025, registered with Chalisgaon Police Station, District – Jalgaon, for the offence punishable under Sections 109, 352, 351(3), 189(1), 189(2), 190, 191(2) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the informant, Akshay Uttam Kale, r/o Kharjai, Tal. Chalisgaon, District – Jalgaon, has alleged that, on 15.04.2025, at about 06:00 p.m., in the evening the accused Dipak Erande and accused Jayesh Shinde came in front of his house & asked him to call his brother-in-law, namely Dipak Javre. Thereafter, accused Yogesh and Dipak allegedly assaulted Dipak Javre

by means of sticks on his chest. When the informant Akshay intervened to separate them, accused Jayesh Shinde allegedly inflicted a blow by means of a scythe on his head with an intention to commit his murder, thereby causing serious injury. The mother of the informant, Shobhabai, and his sister, Shashvini, also came forward to intervene, when the present applicant – Chotu allegedly inflicted a stick blow on the head of his mother, causing an injury, while his sister sustained kick blows on her stomach. Some persons intervened and rescued them, and thereafter the injured informant Akshay and his mother were admitted to the hospital. The report came to be lodged on the next day at about 05:00 a.m. against the applicant and other accused persons.

3. The learned counsel for the applicant submits that the applicant has been arrested on 10.07.2025. Perusal of the First Information Report as well as the statements of the witnesses would hardly make out any case of attempt to commit murder. He further submits that the role attributed to the present applicant is of assaulting the mother of the complainant – Shobhabai, by means of a stick. The Injury certificate shows that she sustained a simple injury. The applicant is behind the bars since 10.07.2025. The investigation is already completed and the charge-sheet is filed. Hence, further incarceration of applicant may not be necessary.

4. As against this, the learned APP vehemently opposes the present application and submits that the applicant along with other co-accused persons have formed an unlawful assembly with a common object of committing murder of the complainant - Akshay. The co-accused Jayesh has used sickle to cause grievous injury upon the complainant – Akshay. The applicant, being a member of the said unlawful assembly, has shared a common object, and as such, there is enough evidence collected by the Investigating Officer to bring home his guilt along with the other accused persons. The learned APP, therefore, submits that the offence being serious in nature and there is every likelihood that the applicant may threaten the prosecution witnesses and cause prejudice to the trial. The applicant may not be released on bail.

5. I have gone through the charge-sheet and the injury certificates made available by the learned APP. After going through the record, it is revealed that the First Information Report itself attributes only the role of the applicant, to have assaulted the mother of the complainant Shobhabai by means of a wooden stick. The injury certificate issued by Matoshree Accident Hospital, Chalisgaon, shows a single abrasion on the scalp caused by a blunt object, which is opined to be a simple injury. The Investigating Officer has already recovered the weapon used in the commission of the offence from the other accused

persons. The applicant is aged 52 years, has a family to look after and the apprehension of State can be taken care of by imposing stringent conditions.

6. In view thereof, and considering that the investigation is complete and the charge-sheet has been filed, further detention of the applicant would serve no fruitful purpose. Hence, I am inclined to release the applicant on regular bail on the following conditions :-

ORDER

- A) The applicant – Chotu Alias Ganesh Rajaram Erande, shall be released on bail in connection with FIR bearing Crime No. 128 of 2025, registered with Chalisgaon Police Station, District – Jalgaon, for the offence punishable under Sections 109, 352, 351(3), 189(1), 189(2), 190, 191(2) of the Bharatiya Nyaya Sanhita, 2023, on furnishing PR Bond of Rs. 50,000/- with one or two sureties in the like amount.
- B) The applicant is directed not to enter the limits of Village - Kharjai till framing of the charge by the Trial Court. Any single breach of this condition shall entitle the prosecution to seek cancellation of bail.
- C) The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.
- D) The applicant shall not tamper with the prosecution evidence or attempt to influence or threaten any witness in any manner. A single incident of such conduct would also

entitle the prosecution to seek cancellation of the bail granted to the present applicant.

- E) The applicant shall furnish his residential address, contact number, and copies of his Aadhaar / PAN Cards to the Investigating Officer as well as trial Court, and shall also provide the names, addresses, and contact numbers of his close relatives for the purpose of record and verification.

7. The Bail Application is disposed of accordingly.

(MEHROZ K. PATHAN, J.)