



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1760 OF 2025

KISHOR SUBHASH CHAUDHARI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. A. S. More
APP for Respondents-State : Ms. R. R. Tandale
...

CORAM : SACHIN S. DESHMUKH, J.

Date : 3rd December, 2025

ORDER :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 10.05.2025 bearing Crime No. 234 of 2025 registered with Dharashiv City Police Station for the offences punishable under Section 103(1), 109(1), 118(1), 115(2), 351(1), 352 and 3(5) of Bhartiya Nyaya Sanhita.

2. The prosecution case is that on 08.05.2025 at about 9.30 pm, informant had been to his friend Ankush for borrowing the money. On account of quarrel between child of tender age, the scuffle was going on between informant's friend Maruti Italkar i.e. deceased and the accused Lahu, Ankush, Kishor and one unknown person. It is alleged that the accused Lahu and Ankush inflicted the blows of iron rod and wooden log to the Maruti. The Maruti sustained injuries over head and both the thighs. When informant

attempted to pacify the scuffle, accused Kishor and one unknown persons - accused abused and assaulted the informant by means of iron sickle and fist and kick blows, due to which, the informant sustained injuries.

3. In connection with the same, the FIR came to be lodged. The arrest of the applicant No. 1 is effected on 11.05.2025. Whereas, applicant No. 2 is arrested on 20.05.2025. Upon completion of investigation, the charge-sheet is presented on 04.08.2025.

4. The learned counsel for applicants submits that the assault extended to the deceased Maruti is attributed to accused Lahu and Ankush and the allegations as against present applicants are of abusing and assaulting to the informant. It is further submitted that this is a case of over-implication.

5. The learned counsel for applicants further submits that since the investigation is completed and charge-sheet is filed, further incarceration of the applicants is not warranted. As such, prayed to allow the application.

6. The learned APP has opposed the application submitting that there is overwhelming evidence against the present

applicants. Applicants have assaulted the informant. If the applicants are enlarged on bail, there is every possibility of tampering the prosecution evidence. As such, prayed to reject the application.

7. I have gone through the record. Prima facie, the record indicates that this scuffle was going on between the parties. The specific overt act is against the accused Lahu and Ankush inflicting deceased Maruti. The perusal of FIR and material on record indicates that the assertions levelled against the present applicants are of assault to the informant only and not to the deceased.

8. It appears that this is a case of over-implication. Thus, the attempt to implicate all the family members including friend of accused is apparent. The investigation is completed and charge-sheet is also filed. Thus, further incarceration of the application is not warranted. Hence, the applicants deserve to be enlarged on bail by imposing stringent conditions. Thus, following order :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant No. 1 Kishor Subhash Chaudhari and No. 2 Siddhanath Lahu Sawant be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) **each** with one or two local solvent

sureties in the like amount, in connection with Crime No. 234 of 2025 registered with Dharashiv City Police Station for the offences punishable under Section 103(1), 109(1), 118(1), 115(2), 351(1), 352 and 3(5) of Bhartiya Nyaya Sanhita on the following conditions :-

- (a) The applicants shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The applicants shall not enter into the Dharashiv City, till conclusion of trial.
 - (c) The Applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (d) The applicants shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (e) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)