



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

917 BAIL APPLICATION NO. 1402 OF 2025

KALYAN VASUDEV BHAVLE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. Rajendrraa Deshmukh, Senior Advocate i/by Mr. R. G. Dodiya,
Advocate for Applicant

Mr. A. D. Wange, APP for Respondent/State

Mr. R. G. Gange a/w Mr. A. R. Hange, Advocate for the informant

...

WITH

CRIMINAL APPLICATION NO. 3586 OF 2025

IN BA/1402/2025

CHAGAN BHIMA GHARBUDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. R. G. Gange a/w Mr. A. R. Hange, Advocate for the informant

Mr. A. D. Wange, APP for Respondent/State

Mr. Rajendrraa Deshmukh, Senior Advocate i/by Mr. R. G. Dodiya,
Advocate for respondent No.2

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 07.10.2025

PER COURT :-

CRIMINAL APPLICATION NO. 3586 OF 2025

IN BA/1402/2025

1. This is an application for assist to prosecution.
2. The learned advocate for the applicant is permitted to assist the prosecution.
3. The application is disposed of.

BAIL APPLICATION NO. 1402 OF 2025

1. Heard.

2. This is an application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.287 of 2024 registered at Talwada Police Station, District Beed, for the offences punishable under Sections 103, 61(2), 189(2), 191(2), 191(3), 190, 126(2) and 127(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The learned advocate for the applicant pointed out the report in which it is averred that the incident happened due to earlier enmity arising from Crime No.15 of 2024. In that case, based on a complaint by Amol Bhavale, the informant's brother, Bhagwan Gharbude, was allegedly falsely implicated and later granted anticipatory bail. It is alleged that due to the efforts taken by Bhagwan's son, Balaji alias Balasaheb Bhagwan Gharbude, to secure bail for his father, the complainant Amol Bhavale and his relatives developed enmity towards him. On 03.09.2024, at about 03:15 P.M., the informant, along with Abhishek Vilas Sark and Narayan Kalyan Bhandgar was traveling from Pandharwadi village to Deshmukhwadi on a motorcycle. Near the fields of Babare and Yamgar, Umaji Bhavale came from the opposite direction and slapped the informant on his back. A few feet ahead, they saw Balaji approaching on his motorcycle. It is alleged that Ananta

Bhavale, Kishkinda Bhavale, Umaji Bhavale and Amol Bhavale blocked Balaji's path. Thereafter, Ramesh Bhavale, Kalyan Bhavale and Sukhdev Bhavale arrived and surrounded him. Umaji Bhavale allegedly stabbed Balaji on his right arm with a knife and Sukhdev Bhavale kicked him from behind, causing him to fall on the road. Kishkinda Bhavale allegedly caught hold of Balaji's hands while Amol, Umaji, Ananta and Ramesh Bhavale stabbed him multiple times on his stomach and chest with knives. After the attack, assuming Balaji to be dead, Sukhdev and Kalyan Bhavale allegedly threw his body into a roadside pit. The accused then fled towards Pandharwadi. Balaji was later taken to the hospital, where he was declared dead. Thereafter, the report was lodged.

4. The learned advocate for the applicant submitted that the applicant has been falsely implicated in the crime. The only role attributed to him is that he pushed Balaji's body into a roadside pit, assuming that he was dead. He further submitted that the applicant has roots in the society and he will not flee away from the trial. The applicant has no criminal antecedents. The charge sheet has already been filed and the trial will take a long period. It is lastly prayed to allow the application.

5. The learned APP for the State and the learned advocate for the informant strongly opposed the application and pointed out the report, post

mortem report, statements of witnesses, seizure panchanama of the knife and the filing and subsequent withdrawal of a writ petition by the applicant. It is also pointed out that in ***Chagan S/o Bhima Gharbude Vs. The State of Maharashtra and Another, Criminal Writ Petition No.651 of 2025***, the petition was allowed, in which it was held in paragraph No.16 as under:

“16. In the present case, looking to the application and looking to the order impugned in the petition this Court does not find that in the present case such application is justifiable and the order is rightly passed. The learned Sessions Judge while allowing the application has not given sufficient reason as to what made the Court to think that the application need to be allowed. It is merely observed that, no prejudice or harm would be caused to the prosecution if the record is called. This reason can hardly be said to be sufficient enough to allow the application of the accused. Thus, in the present case, this Court finds that the exercise was improper. The impugned order, therefore, deserves to be quashed and set aside.”

It is submitted that the said order was challenged by the applicant by filing a petition for Special Leave to Appeal (Crl.) No.13584 of 2025 in the Hon’ble Supreme Court, but the Supreme Court dismissed the same. It is further submitted that the applicant, along with the co-accused encircled

Balaji after which the co-accused assaulted him. It is also submitted that the applicant is involved in a serious crime of murder, if he is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

6. Perused the charge sheet, particularly the report, post mortem report, statements of witnesses and documents pertaining to the writ petition, etc., The role of the applicant, as pointed out in the report, is that he pushed Balaji's body into a roadside pit, assuming that he was dead. Considering his role and the fact that the charge sheet has been filed, the applicant has roots in the society, he will not flee away from the trial and the trial will take a long period, 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 applicant, in connection with Crime No.287 of 2024 registered at Talwada Police Station, District Beed, for the offences punishable under Sections 103, 61(2), 189(2), 191(2), 191(3), 190, 126(2) and 127(2) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-

a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

b) The applicant, except on the dates fixed for hearing of the trial, shall not enter in village Pandharwadi Tahsil Georai, District Beed, till the conclusion of the trial.

[SANJAY A. DESHMUKH, J.]

HRJadhav