



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1958 OF 2025

MADHUKAR MAHADEV KAKADE
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.

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Ms. Ashwini A. Lomte, Advocate for the applicants
Mr. R.D. Raut, APP for respondent State.
Mr. Rahil Riyazuddin Kazi, Advocate for complainant.

CORAM : MEHROZ K. PATHAN, J.

DATE : 14th NOVEMBER, 2025.

P.C. :-

1. The applicants are seeking their release on bail in connection with crime No.237 of 2025, registered with Yusuf Wadgaon Police Station, Dist. Beed, for the offences punishable under Sections 109, 118(2), 118(1), 115(2), 352, 189(1), 189(2), 189(4), 191(2), 190 of Bhartiya Nyaya Sanhita.

2. The prosecution case is that, he is resident of village Bansarola. On 12.09.2025, at about 8.00 p.m. he parked his Scorpio vehicle besides his shop. At that time, applicant No.1 Madhukar came there and asked him to remove the said vehicle and abused one Aditya and there was scuffle between them. On 30.09.2025, informant and his brothers were present in their shop. At that time, applicants and co-accused came there and started abusing them. Informant and others came outside the shop. Applicant No.1 – Madhukar Kakade, gave the blow of iron rod on his head. Aditya tried to save him but the accused caught hold of him and applicant No.2 Sudhakar Kakade gave the blow

of iron rod on his head. Two unknown persons came there and beat the informant. Applicant Nos. 3 – Trimbak and Applicant No.4 - Ajay gave blows of iron rod on the wrist and leg of one Dnyaneshwar and unknown persons also assaulted him. The learned counsel for the applicants submits that though the FIR is about the injuries sustained by the victims Ashok Aditya and Dnyaneshwar, however, the injuries were simple in nature and that the weapons are already recovered. The investigation is almost complete and the applicants Nos. 1 to 4 being arrested on 13.9.2025 and applicant Nos. 5 and 6 being arrested on 18.9.2025, the further detention for the applicants may not be necessary and the applicants are ready to abide by any conditions that may be imposed by this Court.

3. As against this, learned APP and the learned counsel for respondent assisting the prosecution submit that the offence is serious in nature and the applicants are charged with commission of offence under Section 109 of Bhartiya Nyaya Sanhita, which is punishable upto life imprisonment and looking grievous injuries sustained by injured Ashok, Aditya and Dnyaneshwar the applicant may not be released as the applicants are residents of the same village and there is every likelihood of disturbance of public peace. The investigation is almost complete and charge sheet is likely to be filed. The learned APP submits that there are two offences registered against Madhukar being FIR No.129 of 2008 under Section 324, 323 and other Sections of IPC and against Sudhakar and Trimbak bearing Crime No. 107 of 2023.

4. I have gone through the entire investigation papers of Crime No. 237 of 2025 registered on 14.9.2025 and also injury certificates of Ashok and Aditya and Dnyaneshwar annexed by the counsel assisting the prosecution. The other statements recorded by the I.O. available in the investigation papers and perusal of which shows that the investigation is

almost complete. The wife of applicant No.1 Madhukar Kakade i.e. Sulabha Kakade has filed FIR bearing No. 233 of 2025 under Section 74, 118(1), 3(5) and 352 of Bhartiya Nyaya Sanhita, on 13.9.2025, reporting about the same assault which has taken place between applicants and complainant in the said FIR, the investigating Officer in Crime No. 233 of 2025 is also present before this Court alongwith the investigation papers and it could be seen from the record that the investigation is almost complete and charge sheet is likely to be filed within 8 days. Thus, there appears to be no further requirement of detention of the present applicants. So far as the apprehension of the learned APP is concerned, the same can be taken care of by imposing stringent conditions. Hence, I am inclined to exercise discretion in favour of the applicants for their release on bail. Hence, the following order :-

ORDER

[I] The application is allowed ;

[II] The applicants be released on bail, on furnishing P.B. and S.B. in the sum of Rs. 50,000/-, each in connection with Crime No. 237 of 2025, registered with Yusuf Wadgaon Police Station, Dist. Beed, for the offences punishable under Sections 109, 118(2), 118(1), 115(2), 352, 189(1), 189(2), 189(4), 191(2), 190 of Bhartiya Nyaya Sanhita., on the following conditions :-

[i] The applicants shall not enter the village Yousuf Wadgaon till framing of charges.

[ii] The applicants shall not tamper with the prosecution evidence; and shall not influence the witnesses.

[iii] The applicants shall attend the Police Station Officer as and when called by him till filing of charge sheet.

[iv] The applicants shall attend the trial on each and every date, except in emergency case, they may seek exemption

from the trial court.

[v] The applicants shall furnish their Aadhar Card and Pan Card alongwith their present address and phone numbers and addresses of the applicants' two near relatives to the I.O.

[vi] The applicants Madhukar, Sudhakar and Trimbak shall not enter the entire Kaij Taluka till framing of charges.

[vii] The application is disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-