



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2093 OF 2025

KRUSHNA S/O SAHEBRAO KALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for applicant : Mr. D.M. Shinde
APP for the respondent – State : Mr. S.M. Ganachari
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 11 DECEMBER 2025

PER COURT :

The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 042 of 2025 dated 22.02.2025 registered with Hadgaon Police Station, District - Nanded for the offences punishable under section 118(1), 115(2), 351(2), 351(3), 189(2), 190, 191(2), 191(3), 103(1) of the Bharatiya Nyaya Sanhita, 2023.

2. The incident dated 21.01.2025 involving the assault on the son of the complainant, further escalated into giving blow with the knife, resulting into death of the son of the complainant. As such, crime no. 42 of 2025 came to be registered at Hadgaon Police Station, District Nanded, for the aforesaid offences against 14 accused

persons, including the present applicant. In connection with the said crime, the applicant is arrested on 22.02.2025.

3. The investigation has also been completed and chargesheet has also been filed.

4. The dispute started between the accused persons and the victim on account of stalking of the sister of the accused, namely, Parmeshwar in which accused assaulted the deceased, resulting into death. Perusal of the FIR also indicates that the deceased suffered a stab wound on his chest coupled with injuries of fist and kick blows by other accused.

5. Learned counsel for the applicant submits that on account of stalking, the accused persons approached to the deceased. However, in the alleged incident, there was no pre-meditation and assault by accused Shashank @ Shesha with the help of knife which was not at all carried and same was brought by accused Shashank during the scuffle, sufficiently establishes that there was no pre-meditation on the part of the accused persons and attempt was to pacify the deceased from stalking the sister of accused no. 1 - Parmeshwar.

6. Learned counsel for the applicant submits that the investigation is completed. The release of the accused namely, Seema

who is assigned similar role, entitles the applicant to seek the parity. As such, prayed for grant of bail on the principle of parity.

7. On the contrary, learned APP has vehemently opposed the application, submitting that the accused persons, with common intention, approached the deceased, and thereafter, started assaulting with knife resulting into death of the victim i.e. son of the complainant, as such, there was motive on the part of the present accused persons.

8. Perusal of the chargesheet and the statements recorded therein, *prima facie*, indicates that the initial verbal exchange started with 4 persons and none of the accused person was armed with any weapon, much less the knife, at the inception of the incident. It was accused Shashank @ Sheshas, who in the midst of the scuffle, proceeded to his house and brought the said knife with which the stab injury is inflicted. Thus, *prima facie*, it appears that the stab injury, was at the spur of the moment.

9. In any case, the accused – Seema, who is assigned a similar role, has been enlarged on bail, therefore, the applicant is also entitled to be enlarged on bail on the ground of parity. Equally, in view of investigation is over and the chargesheet is filed, nothing is to be recovered from the present applicant, therefore, further incarceration of the applicant may not be warranted.

10. Resultantly, the following order is passed :-

ORDER

(I) Application is allowed.

II) Applicant – Krushna Sahebrao Kale, be released on regular bail upon furnishing P.R. bond in the sum of Rs.50,000/- (Fifty Thousand only) with one or two local solvent sureties in the like amount, in connection with Crime No. 042 of 2025 dated 22.02.2025 registered with Hadgaon Police Station, District - Nanded for the offences punishable under section 118(1), 115(2), 351(2), 351(3), 189(2), 190, 191(2), 191(3), 103(1) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

- (a) After his release from jail, the applicant shall attend the Police Station till framing of the charge.
- (b) The applicant shall not enter the area / locality where the complainant resides.
- (c) The applicant shall attend the trial Court every month between 11.00 am to 1.00 pm. to mark his presence.
- (d) Applicant shall co-operate with the conduct of trial and attend trial Court on all dates unless specifically exempted and will not take any unnecessary adjournment.
- (e) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court.

- (f) The applicant shall not influence with any of the prosecution witnesses or tamper with the evidence, in any manner.
- (g) Before his actual release from jail, the applicant shall furnish his address where he propose to reside after his release from jail, to the concerned Police Station and also to the Trial Court.
- (h) In case of infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

11. Needless to state that the observations made herein-above are confined for decision on the Bail Application and the trial Judge may not get influenced by these observations and shall consider the case on the basis of evidence on record and in accordance with law.

[SACHIN S. DESHMUKH]
JUDGE

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