



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2094 OF 2025

Sudam Alias Sudhakar Shivaji Nagure
and another.

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondent

.....
Advocate for Applicant : Mr. Ingole Govind Rangrao
APP for Respondents: Mr. R.D. Raut.

CORAM : MEHROZ K. PATHAN, J.

DATE : 18th NOVEMBER, 2025.

P.C. :-

1. The applicants are seeking their release on regular bail in connection with Crime No. 206 of 2025, registered with Markhel Police Station, Dist. Nanded for the offences punishable under Sections 109(1), 118(1), 352, 351(2), 351(3), 3(5) of the Bhartiya Nyaya Sanhita.

2. The case of the prosecution, in brief, is that, on 05.09.2025 the injured Balaji and complainant Vyankat were assaulted by accused Shivaji, Sudhakar and Sunil Nagure, on account of land dispute going on between them. It is alleged that Balaji – the son of the complainant was assaulted by accused Shivaji by means of Katti and applicant Shudhakar had attempted to run over the tractor on the person of Balaji, resulting in grievous injury to him. Other accused Sunil also assaulted the victim by means of stone. Accordingly, the FIR was registered and the applicants Sudam and Shivaji were arrested on 9.10.2025, whereas, the other accused Sunil was granted anticipatory bail by this Court.

3. It is the submission of learned counsel for the applicant that the investigation is almost complete. The incriminating material including the weapons of assault have already been recovered at the instance of the accused. The other co-accused Sunil was already released on anticipatory bail by this Court vide order dated 9.10.2025 in ABA No. 1789 of 2025. Hence, the further detention of the applicants may not be necessary as the applicants are ready to abide by any conditions that may be imposed on them.

4. As against this, the learned APP vehemently opposes the application on the ground that the applicants are charged with attempt to commit murder of the complainant and his son Balaji. It is further submitted that the grievous fracture injuries were sustained by Balaji - son of the complainant. Applicant Sudhakar had tried to run over the tractor on him. It is further submitted that though the recovery of weapons used in commission of offence is already done, looking to the nature of allegations and also the fact that the complainant and accused persons are fighting over a land dispute, there is every likelihood that the applicants, if released, may again commit a cognizable offence and may prejudice the prosecution witnesses or the family members of the complainant. He, therefore, prays for rejection of the application, even though investigation is complete.

5. I have gone through the investigation papers, which includes recovery done at the instance of accused persons. It is also seen that another co-accused Sunil has already been released on anticipatory bail by the Sessions Judge, on the charge of assaulting victim Balaji the son of complainant by means of stone. The investigation is almost complete. Further detention of the applicants, therefore, in my opinion may not be necessary as the same would amount to pre-trial punishment. I am, therefore, inclined to allow the application, however, upon stringent

conditions so as to allay the fears of prosecution raised by learned APP.

6. Hence, the following order :

O R D E R

[I] The application is allowed ;

[ii] The applicants – Sudam @ Sudhakar s/o. Shivaji Nagure and Shivaji Raghuram @ Raghunath Nagure, be released on bail, on furnishing P.B. and S.B. in the sum of Rs. 50,000, each in connection with Crime No. 206 of 2025, registered with Markhel Police Station, Dist. Nanded for the offences punishable under Sections 109(1), 118(1), 352, 351(2), 351(3), 3(5) of the Bhartiya Nyaya Sanhita. on the following conditions :-

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

[iv] The applicant – Sudam @ Sudhakar shall not enter the limits of village Kini, Taluka Degloor, District Nanded except for attending the police station.

[v] The applicants shall attend the Markhel Police Station as and when called by the I.O. till filing of charge sheet, so as to complete the investigation and file the charge sheet.

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

[vi] The application is disposed of.

[MEHROZ K. PATHAN]
JUDGE.