



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2113 OF 2025

Krushna Laxmikant Bargal

VERSUS

The State Of Maharashtra And Another

...

WITH

CRIMINAL APPLICATION NO. 4389 OF 2025
IN BA/2113/2025

Bharat Dadarao Borse

VERSUS

The State Of Maharashtra And Another

...

- Mr. Shaikh Aadil Ajimoddin, Advocate for Applicant in BA No. 2113 of 2025
- Mr. S.G. Sangle, APP for Respondent Nos. 1 and 2 - State
- Mr. Mayur B. Borse, Advocate for Applicant in Cri. Appln. No. 4389 of 2025 for assisting the Public Prosecutor

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CORAM : MEHROZ K. PATHAN, J.

DATED : 25.11.2025

PER COURT :

1. Heard Mr. Shaikh, learned counsel for the applicant, learned APP for the State as well as Mr. Borse, learned counsel, who appears to assist the prosecution.
2. The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 491 of 2025, dated

13.10.2025, registered with Phulambri Police Station, Tq. Phulambri, District Chhatrapati Sambhajingar for the offences punishable under Sections 118(2), 115(2), 352, 119(2), 324(4), 324(5), 140(3), 3(5) of B.N.S. 2023.

3. The prosecution alleges that on 12.10.2025 at about 10:00 p.m. at village Waregaon, the informant was called on phone by accused Nos. 1 and 2 along with two unknown persons. Accused No. 1 took the informant on his motorcycle, while the others followed in another vehicle, and they took him near Yesgaon Lake. There, the accused questioned him about reporting the theft of a motorcycle to the police, abused him, and assaulted him. Accused No. 1 allegedly assaulted the informant with an iron rod and a wooden stick, causing grievous injuries, while the applicants gave fist and kick blows. It is further alleged that the accused broke the informant's mobile phone and that accused No. 1 snatched his chain and ring. Based on the complaint lodged by the informant, the crime was registered, and the applicants were arrested on 13.10.2025 and are in custody since then.

4. It is submitted by the learned counsel for the applicant that the applicant was arrested on 13.10.2025 and no role is attributed to him in causing assault by any dangerous weapon. The only allegation against the applicant is of having given fist and kick blows to the

complainant. The applicant has no criminal antecedents and is ready and willing to abide by any terms and conditions that may be imposed by this Court. It is further submitted that the investigation qua the applicant is complete and, therefore, further incarceration of the applicant is not warranted.

5. As against this, the learned APP and the learned counsel for the assisting prosecution vehemently opposes the application on the ground that the applicant was a member of an unlawful assembly having a common object to assault the complainant, Bharat Dadarao Borse. It is submitted that the co-accused Mayur Sudhakar Mohare assaulted the complainant by using an iron rod on his back, causing grievous injuries, and the present applicant actively participated in the assault by giving fist and kick blows, including on the face of the victim. It is further apprehended that if the applicant is released on bail, he may threaten the complainant and prosecution witnesses, thereby hampering the investigation. It is also submitted that the investigation is still in progress and the charge-sheet is yet to be filed.

6. I have perused the investigation papers and the injury certificate of the complainant, Bharat Borase. The injury certificate issued by the Rural Hospital, Phulambri, reflects a grievous injury at vertebral level L2. A perusal of the FIR indicates that a specific role of assault by iron rod is attributed to co-accused Mayur Mohare. As

regards the present applicant, whose name did not figure in the FIR and who was shown as an unknown assailant at the time of its lodging, the allegations are confined only to fist and kick blows. Though the prosecution has conducted a test identification parade, no subsequent material has been brought on record to attribute any specific overt act to the present applicant beyond what is stated in the FIR. Having regard to the nature of the allegations and the role attributed to the applicant, I am inclined to release the applicant on regular bail, subject to imposing stringent conditions. Hence, the following order :-

ORDER

- i. Applicant – *Krushna Laxmikant Bargal*, be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 491 of 2025, dated 13.10.2025, registered with Phulambri Police Station, Tq. Phulambri, District Chhatrapati Sambhajingar for the offences punishable under Sections 118(2), 115(2), 352, 119(2), 324(4), 324(5), 140(3), 3(5) of B.N.S. 2023, on the following conditions :-
 - (a) The applicant is directed to attend the concerned police station and report to the Investigating Officer on every Friday and Saturday between 10:00 a.m. to 01:00 p.m., till the filing of charge-sheet.

- (b) The applicant shall not enter the jurisdictions of Police Station Khultabad and Police Station Phulambri, except for attending the aforesaid days, till framing of the charge.
- (c) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- (d) The applicant 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.

7. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

8. The application stands disposed of accordingly.

9. The Criminal Application No. 4389 of 2025 also stands disposed of.

(MEHROZ K. PATHAN, J.)