



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2116 OF 2025

YOGESH BAPU ERANDE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Ms. Rani K. Agrawal
APP for Respondents-State : Ms. D. S. Jape

CORAM : SACHIN S. DESHMUKH, J.

Date : 11th December, 2025

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 16.04.2025 bearing Crime No. 128 of 2025 registered with Chalisgaon Police Station, Dist. Jalgaon for the offences punishable under Sections 109, 109(1), 352, 351(3), 189(1), 189(2), 190 and 191(2) of Bhartiya Nyaya Sanhita, 2023.

2. Lodging of an FIR with an assertion in relation to the incident i.e. on 15.04.2025, that, accused persons assembled at the house of informant and insisted that relative of the informant namely Dipak Chawre be sent out of the house. Thereafter, it is alleged that applicant started abusing and assaulting Dipak. The

allegations as against the present applicant of inflicting the blows of sticks on the back and chest of Dipak. When the informant proceeded to resolve the scuffle, accused Ganesh inflicted the blow of iron sickle on the informant with an intent to kill. The further assertion is that even the mother and sister were assaulted by the accused persons.

3. The learned counsel for applicant submits that the allegations as against present applicants are general and sweeping in nature. The intention and motive is absent in the FIR as well as in the supplementary statement. The investigation is completed and charge-sheet has been filed. Further incarceration of the applicants is not warranted and, therefore, prayed to allow the applications.

4. The learned APP has opposed the application submitting that the offence is serious in nature. The applicants actively participated in the assault and inflicted blows on the informant, his mother and sister. If the applicant is released on bail, there is every likelihood of tampering the prosecution witness. As such, prayed for rejection of the application.

5. Upon considering the submissions of both sides and perusing the material on record, it is prima facie evident that the allegations against the present applicant are sweeping and general in nature. The applicant has been behind bar for the last 5 months. Prima facie, it appears that there is an absence of motive in the FIR and even in the supplementary statement.

6. Since, the investigation is completed and the charge sheet has been filed, there remains no further reason to continue the incarceration of the applicant. Nothing now remains to be recovered at the instance of applicants.

7. Thus, keeping in view the peculiar facts and circumstances of the case, the right to liberty of the Applicant needs to be upheld. The apprehension of the learned APP about tampering with prosecution evidence can be adequately addressed by imposing certain stringent conditions.

8. In that view of the matter, the applicants deserve to be released on bail. Accordingly, following order :-

ORDER

(I) Applications is **allowed**.

- (II) Applicant – Yogesh Babu Erande 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. 128 of 2025 registered with Chalisgaon Police Station, Dist. Jalgaon for the offences punishable under Sections 109, 109(1), 352, 351(3), 189(1), 189(2), 190 and 191(2) of Bhartiya Nyaya Sanhita, 2023, on the following conditions :-
- (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicant attend the concerned Police Station on every Monday till 10.00 am to 12.00 pm 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.
 - (e) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (III) Pending Criminal Application, if any, also stands disposed of.

- (IV) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi