



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2225 OF 2025

NIVRATTI PADMAKAR JATODE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. G. K. Naik Thigle
APP for Respondents-State : Ms. D. S. Jape
Advocate for Applicant (Cri.A) : Mr. Mayur B. Borse (Assist to PP)

WITH
CRIMINAL APPLICATION NO. 4388 OF 2025 IN
BA/2225/2025

CORAM : SACHIN S. DESHMUKH, J.
Date : 15th December, 2025

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 13.10.2025 bearing Crime No. 491 of 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.

2. The prosecution case is that on 12.10.2025 at about 10:00 p.m. at village Waregaon, the informant was called on phone by accused No. 1 and No. 2 i.e. present applicant along with two

unknown persons. Accused No. 1 took the informant on his motorcycle, while the others followed in another vehicle, and took him near Yesgaon Lake. The accused questioned the informant 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 other accused gave fist and kick blows. It is further alleged that the accused broke the informant's mobile phone and that accused No. 1 snatched the chain and ring. Based on the complaint lodged by the informant, the crime was registered and the arrest of the applicant was effected on 13.10.2025 and is in custody since then.

3. The learned counsel for the applicant submits that the applicant was arrested on 13.10.2025 and the only allegation against the applicant is of having given fist and kick blows to the informant. 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 co-accused in this crime are enlarged on bail by the order of this Court. The investigation is almost completed and, therefore, further incarceration of the applicant is not warranted.

4. 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. The present applicant actively participated in the assault by giving fist and kick blows. The further apprehension is expressed that the in the event, applicant is released on bail, he may threaten the informant and prosecution witnesses. Hence, prayed to reject the application.

5. Considering the submissions of both the sides and perusing the material on record, the injury certificate issued by the Rural Hospital, Phulambri, reflects a grievous injury at vertebral level L2. A perusal of the FIR prima facie indicates that a role of assault by fist and kick blows is attributed to the present applicant.

6. Moreover, the other accused in the alleged offences has been already enlarged on bail by this Court vide order dated 25.11.2025. As such, the present applicant who is assigned similar role as that of the co-accused in the alleged incident, is entitled for bail on the ground of parity.

7. The investigation of the case is almost complete. The alleged weapon and other articles in connection with alleged crime have been already recovered by the Investigating agency. Hence, nothing remains to be recovered or discovered at the instance of the applicant.

8. Thus, no fruitful purpose would be served by keeping the applicant behind the bar and can be enlarged on bail. The apprehension expressed by the learned APP and learned counsel for assisting prosecution about tampering the prosecution evidence, can be adequately taken care of by imposing stringent conditions. Hence, the following order :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Nivratti Padmakar Jatode 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, 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 shall attend each and every date of the Trial Court unless exempted by the Trial Court.

- (b) The applicant is directed to attend the concerned Police Station and report to the Investigating Officer on every Friday and Saturday between 10.00 am to 01.00 pm, till the filing of the charge-sheet.
 - (c) The applicant shall not enter the jurisdiction of Police Station Khultabad and Police Station Phulambri, except for attending the aforesaid days, till framing of the charge.
 - (d) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (e) 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.
 - (f) Breach of any of the conditions by the applicant would entail the cancellation of the bail.
- (III) 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.
- (IV) Resultantly, pending criminal application also stands disposed of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi