



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 675 OF 2025

Rahul S/o Kachru Jagdale
Age : 29 Years, Occupation : Agri.,
R/o Kolthan, Taluka and District Aurangabad. ... Applicant
[Orig. Accused]

Versus

The State of Maharashtra
Through Phulambri Taluka Police Station. ... Respondent

WITH
CRIMINAL APPLICATION NO. 1554 OF 2025
IN
BAIL APPLICATION NO. 675 OF 2025

Charansingh Shamsingh Kakarwal
Age : 45 years, Occu : Agri,
R/o. Krushnapurwadi,
Taluka and District Aurangabad. ... Applicant
[Informant]

Versus

1. The State of Maharashtra
2. Rahul S/o Kachru Jagdale
Age : 25, Occ. : Agri,
R/o Kolthan, Taluka Phulambri,
District Chhatrapati Sambhajinagar. ... Respondents
[R.2 is Ori. Accused 2]

.....
Mr. Chaitanya C. Deshpande, Advocate for the Applicant in Bail
Application No. 675 of 2025.
Mr. S. P. Nimbalkar, Advocate for the Applicant in Criminal
Application No. 1554 of 2025.
Mr. C. V. Bhadane, APP for Respondent-State.
.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 30.04.2025

Pronounced on : 05.05.2025

ORDER :

1. Criminal Application No. 1554 of 2025 is at the instance of original informant, thereby seeking permission to assist learned APP in opposing the bail application. For the reasons mentioned in the application, the applicant-original informant is permitted to assist learned APP. Criminal Application No. 1554 of 2025 is accordingly disposed off.

2. This application is for grant of regular bail on account of arrest of applicant in crime no. 141 of 2025 registered at Phulambri Police Station, District Chhatrapati Sambhajanagar (Rural) for offences punishable under Sections 109, 115(2), 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita (BNS).

3. It is submitted that, crime is registered against three persons including present applicant, but no overt act is attributed to him. Only allegations against him are that, he asked other accused to carry out assault. That, except such allegations, there is no role. There is no use of any article by him, and therefore, according to learned counsel,

there is no question of recovery or discovery. That, investigation is almost over and mere formality of filing charge sheet has remained. That, applicant is ready to abide all and any conditions imposed by this Court and hence, learned counsel urges for grant of bail.

4. learned APP, assisted by learned counsel for the informant, opposed on the ground that applicant is named in the FIR. That, applicant provoked other accused, who allegedly used knife to carry out assault. That, apart from injured witness account, there is eye witness account. That, after the occurrence, there are threats and therefore, there is every possibility of misuse of liberty. For all above reasons, bail is opposed.

5. Heard. Perused the FIR dated 15.03.2025 at the instance of Charansing Kakarwal, who is an agriculturist. He reported that on 14.03.2025, he, his son Jivan and his hired agricultural labour Raju were walking and when then came near the field of Dharamsing, they heard noise of dashing of motorcycle and therefore they all three went to see, and informant claims to have seen Khushalsing, Rahul (present applicant) and Bhiva assaulting Dhanraj. Informant claims to have heard Rahul, i.e. present applicant, saying that someone is coming and to finish off Dhanraj immediately and after which,

Khushalsing inflicted blow with knife on Dhanraj in the abdomen and thereafter present applicant and Bhiva persons fled, however Khushalsing was caught hold by the informant and was handed over to the police.

6. Thus, *prima facie*, as submitted, FIR is about present applicant asking other accused to kill and thereafter, Khushalsing allegedly stabbed Dhanraj. Statement of Dhanraj is also recorded and he has reported that merely for asking Khushalsing, who was riding motorcycle along with above two persons including present applicant, to ride properly, he was initially abused and assaulted. However, injured has attributed utterance to kill and assault only to Khushalsing. He has *prima facie* not stated, like informant, about present applicant directing Khushalsing to finish off soon, as someone is coming.

7. As stated, there is no overt act attributed to the applicant and no weapon used, and therefore obviously no recovery is to be caused from the applicant. He is behind bars since March. Further investigation can be carried out by securing his presence. Hence, I proceed to pass the following order :

ORDER

- I. The application is allowed.
- II. Applicant be released on bail in connection with Crime No. 141 of 2025 registered at Phulambri Police Station, District Chhatrapati Sambhajanagar (Rural), on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:
- [a] The applicant shall not tamper prosecution evidence.
- [b] The applicant shall not enter the vicinity where informant and injured reside, till conclusion of trial.
- [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
- [d] The applicant shall attend the concerned police station daily till filing of charge sheet and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]

vre