



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 BAIL APPLICATION NO. 854 OF 2025

SAINATH IRAYAPPA SWAMI
VERSUS
THE STATE OF MAHARASHTRA

...
WITH
BAIL APPLICATION NO. 861 OF 2025

NAGESH GANGADHAR PADOLE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Bhapkar Shivaji Bhimrao
APP for Respondent/State : Mr. G.O. Wattamwar
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 12/06/2025

P.C. :

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants are seeking bail as they were arrested in connection with Crime No. 433/2024 dated 27.12.2024 registered with Umri Police Station, Tq. Bhokar, District Nanded for the offences under sections 103(1), 189(2), 191(2), 191(3), 190, 115(2), 351(2), 351(3) of B.N.S., 2023 and under section 135 of Bombay Police Act.
3. The case against the applicants is that deceased Anil Madhav Algudwad was assaulted by five accused persons on 26.12.2024 at 8.00 p.m. at Mama Chowk, Umri. It is stated that Anil expired in the hospital after the assault. Thereafter, F.I.R. was registered on the next day against the present applicants and others. The applicants were arrested on 28.12.2024 and since then they are in jail.

4. The applicants have not filed regular bail application before filing of chargesheet. After filing of the chargesheet, the applicants have filed the regular bail application before the learned Sessions Judge and the same has been rejected vide order 23.4.2025. Hence, the present regular bail applications are filed.

5. The learned counsel for the applicants submits that the role of the applicant as attributed in the F.I.R. is that they have assaulted deceased Anil by kicks and fist blows. The learned counsel submits that from the statements of eye witness it can be gathered that deceased Anil was the aggressor and due to instigation of Anil, accused Nos. 1 and 2 have assaulted the deceased by means of knife and thereafter, when he fell down, at that time, the present applicants i.e. accused Nos. 4 and 5 have given kick and fist blows. The learned counsel submits that there is no intention of the applicants to kill deceased Anil. The learned counsel submits that from last six months the applicants are in jail. The learned counsel therefore, prays that considering the age of the applicants, the role attributed to the applicants in the F.I.R. and the period of six months after their arrest, the applicants may be released on bail.

6. The learned APP points out the statements of eye witnesses consistently supporting the prosecution story and role of the applicants in the crime. On perusal of the statements of the eye witness, it can be said that deceased Anil was assaulted by accused Nos. 1 and 2 by knife and at that time, present applicants i.e. accused Nos. 4 and 5 have caught hold deceased Anil. Thereafter, the deceased had fallen down on the ground and then again the present applicants assaulted the deceased by kick and fist blows. The statements of the eye witnesses are consistent on this aspect.

The learned APP therefore prays for rejection of the applications filed for grant of regular bail.

7. Considering the evidence and the role of the applicants in the commission of offence that when accused Nos. 1 and 2 were assaulting the deceased by knife, the present applicants had caught hold the deceased and when the deceased had fallen down on the ground, the applicants have assaulted the deceased by fist and blows, it cannot be said that the applicants are not involved in commission of the offence or that their role is limited. Considering overall conspectus of the matter and considering the role of the applicants in commission of the crime, I hold that regular bail cannot be granted to the applicants. Hence, the application is dismissed.

8. The learned counsel for the applicants submits that considering the age of the applicants, trial court may be directed to expedite the trial. Considering the request of the learned counsel for the applicants, trial court to commence the trial as early as possible. If the trial is not commenced within one year from today, liberty is granted to the applicants to file fresh application for regular bail.

9. It is clarified that the observations made in this order are limited for the purpose of disposal of the present bail applications and the Trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/