2026:BHC-AUG:52358

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

42 BAIL APPLICATION NO. 1224 OF 2026

TUKARAM BHAGWAN MUNDE
VERSUS
THE STATE OF MAHARASHTRA
...
Mr. S.R. Mantri, Advocate for applicant
Mr. S.D. Ghayal, APP for sole respondent
...

CORAM : HITEN S. VENEGAVKAR, J.
DATE : 26th OCTOBER, 2026

ORDER :

. Heard the learned Advocate for the applicant and the learned APP for State. With the assistant of both learned counsel I have perused the entire charge sheet.

2 The present application is filed for regular bail in connection with Crime No.27/2026 dated 11.02.2026 registered with Police Station, Mukhed, Tq. Mukhed, Dist. Nanded for the offence punishable under Sections 109(1), 118(2), 118(1), 333 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023. Though the initial First Information Report was registered under Sections 118(2), 118(1), 333 read with Section 3(5) of the B.N.S., after investigation was completed the charge sheet came to be filed for aforesaid offences and also under Section 109(1) of the B.N.S.. The

present applicant is arrested in connection with the alleged offence on 14.02.2026. There are in all three accused persons, out of which two have already been released on bail.

3 The prosecution case in brief is that owing to matrimonial discord between Santosh Kendre and his wife Sakshi, daughter of applicant, disputes had arisen between the families. It is alleged that on 10.02.2026 at about 7.00 a.m. applicant Tukaram along with co-accused went to the house of injured Vaijnath and questioned him regarding the alleged ill-treatment meted out to Sakshi at the instance of Vaijnath's wife Sonali. During the ensuring quarrel, applicant assaulted Vaijnath on his head by means of a sickle, co-accused Sangita allegedly inflicted a knife blow on his back and co-accused Akash allegedly assaulted him on his legs by means of a wooden stick. The injured was initially taken to Government Hospital, Mukhed and thereafter shifted to hospitals at Nanded for further treatment. On the basis of report lodged by informant Sambhaji on 11.02.2025 the present crime came to be registered.

4 The learned Advocate for the applicant submits that the applicant is innocent and has been falsely implicated due to the strained relations arising out of the matrimonial dispute. It is submitted that the investigation is complete and charge sheet has already been filed before the

competent Court. Therefore, no purpose would be served by keeping the applicant behind the bars. It is further submitted that there is no recovery that is required to be effected at the hands of the applicant and, therefore, custodial interrogation is no longer required. It is further submitted by the learned counsel that the role attributed to the applicant is those specific to the injury caused to the head which is grievous in nature, however, taking into consideration the fact that the applicant's daughter was being harassed by her husband on the interference caused in their family affairs by the injured and his wife, the applicant being father was annoyed and there was a quarrel between the families, which suddenly became a scuffle and the alleged incident has taken place on the spur of the moment. Entire family was named in the alleged offence. The wife and son of the applicant have also been falsely implicated, however, they are released on bail. The learned Advocate for the applicant submits that the applicant is not habitual criminal and there are no criminal antecedents. He submits that he is permanent resident of village Savargaon Wadi, Tq. Mukhed and, therefore, there is no possibility of absconding of applicant. It is, therefore, prayed that the applicant be released on bail.

5 Learned APP, however, resisted the application by stating that though the initial First Information Report was registered under Sections

118(2) and 118(1) of the B.N.S., taking into consideration the nature and gravity of the injury that has been caused on the vital part of the body the charge sheet is filed under Section 109(1) of the B.N.S. against the applicant and other two co-accused. He points out to the nature of injury by referring to the injury certificate, which clearly mentions that the injury caused to the head, which is vital part of the body and there is a fracture on parital region. The nature of injury is grievous and, therefore, it cannot be said that the present applicant had no intention of causing the said injury. The present applicant, according to the learned APP, was well armed with sickle and, therefore, there was premeditation. He submits that though there are no criminal antecedents, the applicant was aggressor and has caused a serious and grievous injury to the victim. He, thus, prays for rejection of the application.

6 I have carefully gone through the entire charge sheet and have also considered the submissions made by both the parties. On going through the entire charge sheet and the witness statements along with First Information Report, the role and the injury attributed to the present applicant is specific. No doubt, the injury certificate indicates an injury to the vital part of the body of the injured i.e. head and the injury is serious and grievous in nature, however, taking into consideration that the applicant is a villager and

holding sickle in his hand cannot be termed as a premeditation or preparation for committing an offence. The intention behind carrying a sickle in the house of the injured and the informant is a matter of evidence, that will require proof at the hands of the prosecution before the trial Court. However, taking into consideration that the investigation is complete and charge sheet has already been filed, a fact that the applicant is in custody since 14.02.2026, I am of the opinion that the trial will take sufficient time to conclude. In the light of above, I am inclined to allow the present application. Hence, following order.

**ORDER**

(i) Bail Application stands allowed.

(ii) The applicant **Tukaram Bhagwan Munde** shall be released on bail in Crime No.27/2026 dated 11.02.2026 registered with Police Station, Mukhed, Tq. Mukhed, Dist. Nanded for the offence punishable under Sections 109(1), 118(2), 118(1), 333 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, on furnishing P.R. Bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or two solvent sureties in the like amount, subject to the following conditions :

(a) The applicant shall attend the trial Court on every date fixed, unless his attendance is specifically exempted.

(b) The applicant shall not, directly or indirectly, contact, threaten, induce or influence the informant or any prosecution witness and shall not tamper with the prosecution evidence.

(c) The applicant shall furnish his current residential address and mobile number to the Investigating Officer and the trial Court within seven days of release, intimate any change forthwith, and attend the Investigating Officer upon prior written notice, if further investigation is required.

(d) The applicant shall not leave India without prior permission of the trial Court and, if he possesses passport, shall deposit the same with the trial Court within seven days of his release.

(e) The applicant shall not enter the jurisdiction of village Savargaon Wadi, Tq. Mukhed, Dist. Nanded till the framing of charges.

(f) The applicant shall not involve himself in any offence of a similar nature while on bail.

(g) Breach of any of the above conditions shall entitle the prosecution to apply for cancellation of bail.

(iii) All observations in this order are *prima facie* and confined to the decision of this bail application. The trial Court shall decide the case independently on the evidence led before it.

(iv) The bail Application stands disposed of in the above terms.

**( HITEN S. VENEGAVKAR, J. )**

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