2026:BHC-AUG:53000

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 BAIL APPLICATION NO. 1346 OF 2026

PRAKASH MANIK RATHOD

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. R.G. Dodiya, Advocate for applicant

Mr. V.K. Kotecha, APP for sole respondent

Mr. S.S. Tope, Advocate for Assist to APP

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CORAM : HITEN S. VENEGAVKAR, J.

DATE : 26th OCTOBER, 2026

ORDER :

. Heard learned Advocate for the applicant and the learned APP appearing for the State and also the learned Advocate appearing for the original complainant.

2 Before considering the application on merits it is important to mention that on 30.09.2026 the learned APP submitted that the trial has already been proceeded and out of 16 witnesses three witnesses are already been examined. He also submitted that out of four accused persons three accused have approached this Court seeking regular bail, which came to be

rejected by this Court in their respective applications. On the basis of the submission made by the learned APP about the initiation of the trial, this Court thought it is fit to call a detail report from the trial Court, as to whether there is any schedule fixed by the trial Court to conclude the trial. Accordingly, on 19.10.2026 the trial Court had submitted a report indicating that two witnesses had already been examined and summons has been issued to the third witness. The Court has shown his readiness to conclude the trial within a period of three months from 19.10.2026. In the light of this report and the prevailing circumstance that the trial has already been started and likely to be concluded within a period of three months. I am proceeding to decide the application on the merits, for the reason that the learned Advocate for the applicant, on instructions, pressed the application on merits.

3 The present application being regular bail application on behalf of the applicant, who is accused No.3 and came to be arrested on 22.10.2024 in connection with Crime No.312/2024. The investigation is complete and charge sheet has already been filed.

4 The prosecution story in brief is that on the day of incident the present applicant along with accused persons carrying iron rod and stick entered into the house of the informant and assaulted the son Balwant of the informant, informant himself and one Ashok Jadhav. It is alleged that the

assault by the present applicant as well as the other accused persons is with the aid of iron rod and stick on the head of the injured Balwant and the body parts of the informant as well as the other injured person Ashok Jadhav. Due to the assault caused on the head of injured Balwant he fell unconscious. The allegations in the First Information Report also states that the present applicant along with other accused persons continued assaulting the injured Balwant Jadhav after he fell unconscious. Due to the said assault the injured Balwant Jadhav suffered grievous injury, for which he had to undergo a surgery.

5 The learned Advocate for the applicant submits that the applicant has been in custody since 22.10.2024. He submits that the role that has been assigned is vague and there is no specific role attributed to the present applicant of assaulting the son of the informant. The First Information Report attributes the blow on the head to other co-accused. The specific allegations pertain to the applicant of their being an assault on the informant and other injured person, but not on the son. Thus, the injury pertaining to the informant and the other injured persons be taken into consideration and they are simple in nature according to the learned Advocate for the applicant. He submits that the applicant is a family person having minor children and he has been lingering in jail for almost more than

two years. He submits that the role assigned to the other accused persons is more grievous than the role assigned to the applicant. He further submits that the injured Balwant, to whom the injury of head has been caused, is already discharged. He submits that the application be allowed and bail be granted to the present applicant.

6 The learned APP, on the other hand, submits that the First Information Report clearly discloses the role played by the present applicant. He submits that the present applicant entered into the house along with the other accused person holding iron rod in his hand. He submits that the First Information Report also depicts a specific assault on behalf of the present applicant on the injured Balwant, who was unconscious. The applicant was assaulting the said injured Balwant along with iron rod. Therefore, it is not possible to ascertain as to how many blows the applicant gave to the injured Balwant on his head. The learned APP also refers to the injury certificate, which shows that the injury caused to the head of the Balwant was not only grievous, but it was serious, for which he has to undergo a surgery. He places his reliance on the medical papers which notes that the skull of the injured Balwant was severely damaged, for which it was to be removed. Taking into consideration the direct role of the applicant and the specific assault attributed to the present applicant of assaulting to the injured persons

including the injured Balwant with the aid of iron rod coupled with the fact that similarly placed accused persons who were holding iron rod and stick, their bail application has been rejected by this Court. He prayed that the present application be rejected.

7 The learned Advocate appearing for the original informant submits that the injured Balwant is still taking treatment from various hospital for the reason that his skull has been removed and preserved in the abdomen. The recovery of the injured Balwant is not 100% due to the brutal attack at the behest of present applicant and other accused persons. He submits that applicant does not deserve to be released on bail.

8 I have taken into consideration the entire First Information Report, allegations made against the present applicant and the allegations made against other co-accused explaining the other prosecution material annexed to the present application. The most important aspect of this case pertain to the allegation of repeated assault by way of iron rod on the injured Balwant, due to which his skull was broken and had to be removed for the purpose of surgery. The First Information Report and the statements of witnesses attribute direct role to the present applicant showing that the present applicant was aggressor along with the other accused persons assaulting to the injured including Balwant. The allegation pertaining assault

and then committing such a violent act of assaulting of three persons with the aid of iron rod and thereafter causing serious injuries to injured Balwant shows the intention of the present applicant and the other co-accused persons. The fact that the trial has already proceeded and the witnesses have been examined and the report of the trial Court that the trial will be concluded within a period of three months is also required to be taken into consideration while deciding the present application.

9 In the light of the application of the other co-accused including the accused Nitin, whose role is much lesser than the present applicant and the application is rejected, I am inclined to reject the present application with liberty granted to the applicant to move to the trial Court afresh in case the trial is not concluded within a period of six months from today. In the light of above, application stands rejected.

(HITEN S. VENEGAVKAR, J.)

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