IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1889 OF 2026

KRUSHNA SHIVAJI NAIKNAWARE
Versus
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Shrikant G. Kawade i/b. M/s. Shrikant G. Kawade & Legal Associates, Advocate for Applicant
Mr. S. V. Hange, APP for Respondent - State

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CORAM : HITEN S. VENEGAVKAR, J.
DATED : 23rd OCTOBER, 2026

PER COURT :

1. Heard the learned Advocate appearing for the applicant as well as the learned APP for the respondent - State. With the able assistance of both the Advocates, I have also perused the entire charge-sheet and the investigation papers.

2. The present application seeking regular bail of the applicant in connection with Crime No.138 of 2026 registered with Pathari Police Station, Dist. Parbhani, for offences punishable under Sections 109(1), 118(1), 118(2) and 352 of Bharatiya Nyaya Sanhita (BNS). The applicant has been arrested in connection with the above-referred offence on 17.03.2026 and since then the applicant is in custody.

3. The prosecution has alleged a sole incident dated 16.03.2026 which took place between the present applicant and the injured complainant. It is the case of the prosecution is that, on 16.03.2026 the applicant accosted the informant and questioned him as to why he roams around his house. The quarrel between both of them took place, and therefore, it is alleged that the present applicant assaulted the complainant with the aid of a knife. The allegations are that, the present applicant assaulted and gave a stab wound on the abdomen and also on the shoulder of the injured complainant. The interference of the neighboring persons rescued the complainant. He was then taken to the hospital where the statement was recorded and the offence came to be registered.

4. Learned Advocate appearing for the applicant submits that the incident have taken place at the spur of the moment and there was absolutely no intention for the applicant to inflict any serious injury to the informant by which the death was to be caused. The assault has been result of the quarrel that took place between both of them. He further argues that, the statement of witnesses also mentions that the informant used to roam around the applicant's house, and therefore, he suspected that he had an evil eye on his wife. It is for this reason that he got agitated and questioned the informant, upon which there was a quarrel between

both of them and resulted assault took place on account of the same. The allegations are not of any premeditation or preparation and intentionally assaulting the complainant. He submits that taking into consideration that the sole incident has taken place between the complainant and the present applicant and there being no criminal antecedent and also the period undergone in custody since 17.03.2026, the applicant can be released on bail.

5. Learned APP, per contra, opposed the application by stating that the injury certificate clearly indicates that there are grievous injuries caused to the vital part of the body. He submits that abdomen is the vital part on which there is a stab injury with a deadly weapon like a knife. He also submits that the knife has been recovered at the instance of the present applicant. He submits that the FIR discloses specific name and role of the present applicant and attributes serious injuries to the present applicant. He submits that the period which has undergone is not proportionate with the punishment prescribed under Section 109 of BNS. He prays for rejection of the application.

6. I have heard the learned Advocate for the applicant as well as the learned APP for the respondent – State. I have also perused the witness statements of which there are eye witnesses

who have narrated the incident in verbatim supporting the narration provided by the complainant in the body of FIR. No doubt, the allegations are serious and there is direct role attributed to the present applicant along with the allegation of use of deadly weapon. The injury certificate also supports the version provided by the complainant in the FIR. The injuries mentioned therein are stab injuries which are grievous in nature caused to the abdomen and the shoulder of the complainant. Thus, it cannot be said that the offence and the allegations are not serious. However, the fact remains that the applicant has been arrested and in jail pending trial since 17.03.2026. The allegation is not of any premeditation, but admittedly there was a quarrel on account of some suspicion that has developed in the mind of the present applicant about the complainant roaming around his house and having an evil eye on the wife of the applicant. The allegation in the FIR and the statement of the witnesses also supports this contention of the learned Advocate for the applicant. Thus, taking into consideration that, the applicant is in jail since 17.03.2026 and that the applicant has no criminal antecedents, I am of the opinion that the application can be allowed and the applicant can be released on bail. Hence, the following order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant, Krushna Shivaji Naiknaware, shall be released on bail in Crime No.138 of 2026 registered with Pathari Police Station, Dist. Parbhani, for offences punishable under Sections 109(1), 118(1), 118(2) and 352 of Bharatiya Nyaya Sanhita (BNS), on furnishing a personal bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one or two solvent surety 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 numbers 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 involve himself in any offence of a similar nature while on bail.

e) The applicant shall not enter the village Renapur, Tq.

Pathari, till framing of the charge. The applicant shall stay outside the said village for the said period.

f) 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 is disposed of in the above terms.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale