



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.2310 OF 2025

Akshay s/o Manik More & anr. ... **APPLICANTS**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. P.P. More, Advocate with
Mr. Hari Kakade, Advocate for applicants
Mrs. P.V. Diggikar, A.P.P. for respondent – State
.....

WITH

**CRIMINAL APPLICATION NO.4670 of 2025 IN
BAIL APPLICATION NO.2310 OF 2025**

Madhukar Yadaji Unde ... **APPLICANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. A.R. Lukhe, Advocate for applicant
Mrs. P.V. Diggikar, A.P.P. for respondent No.1 – State
Mr. P.P. More, Advocate with
Mr. Hari Kakade, Advocate for respondents No.2 & 3
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 19th JANUARY, 2026

PER COURT :

1. Criminal Application No.4670/2025 is allowed. The complainant is permitted to assist learned A.P.P.

2. By this application, the applicants seek their release on regular bail in connection with Crime No.412/2025, registered with Ghansawagi Police Station, District Jalna for the offences punishable under Sections 103(1), 118(1), 118(2), 189(2), 190, 191(2), 191(3), 238(a), 352, 351(2) of the Bhartiya Nyaya Sanhita, 2023.

3. The prosecution case in short is that, on 3/8/2025, at about 10.00 a.m., the informant, his wife and son Sambhaji were proceeding by motorcycle towards Ambad. When they reached in front of the house of Arjun Waghmare, the applicants and other accused persons came there, stopped the bike of the informant and told the son of informant as to why did he abuse them yesterday and on that count, they abused the son of the informant. It is averred that, the accused Atmaram More assaulted on the head and near the eye of Sambhaji by iron rod, accused Sachin and

Sushil stabbed on his stomach, head and left thigh of Sambhaji by knife. The present applicants assaulted Sambhaji by sticks. When the informant and his wife tried to rescue Sambhaji, the applicants gave stick blow to the wife of informant. When Sambhaji became unconscious, the applicants and other accused persons fled away. The informant and others took Sambhaji to Civil Hospital, Ambad for treatment, and thereafter to Jalna Critical Hospital for further treatment, where the doctors declared Sambhaji dead at 12.00 p.m. Hence, the report came to be lodged.

4. Learned counsel for the applicants submits that, the applicants have been falsely implicated in the present crime. No vital role is attributed to the present applicants. The investigation is complete and chargesheet has been filed. Therefore, further custody of the applicants is not warranted. As such, prayed to allow the application.

5. Per contra, learned A.P.P. and learned counsel for the complainant vehemently opposed the application, contending that the offence committed by the applicants is serious in nature, in which the son of the complainant has been murdered and injury to the wife of the complainant. As such, prayed to reject the application.

6. Upon considering the submissions of both sides, and perusal of the Chargesheet, prima facie, it appears that there is variance in the statements of witnesses about the role attributed to the present applicant. The statement of witness to the incident indicates that, it was accused Sachin and Sushil to whom assault with knife is attributed, same is corroborated by witness Ranjit Vairal. As such, prima facie, it appears to be a case of over-implication.

7. Nevertheless, the investigation is complete for all intents and purposes. Therefore, in my considered opinion, indefinite incarceration of the applicant is unjustified. Thus, the application warrants consideration, and accordingly, the discretion deserves to be exercised in favour of the applicant. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants Akshay s/o Manik More and Vishal s/o Datta More be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) each with one solvent surety of the like amount by each of them in the above crime, on the conditions that :

- (a) The applicants shall not tamper with the prosecution witnesses.
- (b) The applicants shall remain present on each date, unless exempted by the trial Court.
- (iii) Needless to state that, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial Court shall proceed independently and uninfluenced by the observations made hereinabove.

(SACHIN S. DESHMUKH, J.)

fmp/-