



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 905 OF 2025

MADHAV YESHWANT DHUTURE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. A. K. Bhosle h/f Mr. A. R. Joshi
APP for Respondents-State : Mr. C. V. Bhadane

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WITH
CRIMINAL APPLICATION NO. 2266 OF 2025
IN BA/905/2025

MAHESH ANANDRAO NANDGAYE
VERSUS
MADHAV YESHWANT DHUTURE AND ANOTHER

...

Advocate for Applicant : Mr. Pathan Hamzakhan I.

WITH
BAIL APPLICATION NO. 2527 OF 2025

PURUSHOTTAM PRAKASH ALIAS BABU SARODE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Suraj R. Bagal h/f Mr. Bharat N. Gadegaonkar
APP for Respondent-State : Mr. C. V. Bhadane

CORAM : SACHIN S. DESHMUKH, J.

Date : 4th February, 2026

ORDER :-

1. The applicants have approached this Court seeking

regular bail in connection with FIR dated 09.03.2024 bearing Crime No. 103 of 2024 registered with Umri Police Station, Dist. Nanded for the offences punishable under Sections 302, 323, 504, 506, 143, 147, 148, 149, 201 read with 34 of the Indian Penal Code alongwith Section 4/25 and 27 of the Indian Arms Act.

2. The prosecution's case is that On 07.03.2024 approximately at 14:00, Anandrao Nandgaye was summoned by Yeshwant Dhutire and questioned as to why the deceased, Umakant, had taken away a machine meant for killing pigs without consent. Subsequent quarrel on the same count also occurred later that day on 07.03.2024, which was eventually resolved.

3. Thereafter, on 08.03.2024 approximately at 18:00 hours, confrontation occurred among the deceased Umakant, the applicant Balaji Yeshwant Dhutire, and the co-accused Madhav Yeshwant Dhutire. The applicant Balaji Dhutire and co-accused Madhav Dhutire hurled abuses at Umakant, beat him with kicks and fist blows, and threatened to kill him. This said quarrel was also resolved by the villagers. However, on 09.03.2024, when the deceased Umakant did not return home from the field, the informant and his cousin Shivcharan Nandgaye went to the field

and found the deceased Umakant in a pool of blood, sustaining multiple injuries on his neck. It is in this background that the informant lodged the report against the applicants and the other co-accused.

4. The learned counsel for the applicants submits that it is a case of circumstantial evidence. While the prosecution alleges that applicant Balaji was involved in a quarrel on 08.03.2024, there is no direct evidence or eyewitness testimony placing him at the field on 09.03.2024, the day the fatal injuries were sustained. It is argued the Purushottam's name does not appear in the descriptions of the quarrels on 07.03.2024 or 08.03.2024. The case against Purushottam rests entirely on suspicion.

5. The learned counsel for applicants further submits that the investigation is complete and the charge-sheet has been filed. Moreover, the co-accused in the offences have been enlarged on bail by this Court. The applicants are also entitled for bail on the ground of party As such, further incarceration of the applicants is unjustified. Hence, the counsel prayed to allow the application.

6. Per contra, the learned APP opposed the application

submitting that the body of deceased was discovered on 09.03.2024 in a gruesome state with multiple injuries, indicating a brutal and premeditated murder. He further submitted that the crime is of a serious nature and that there is sufficient material on record indicating the complicity of the applicants. It is contended that if the applicants are enlarged on bail, there is every possibility of them tampering with the prosecution evidence. Accordingly, prayed for the rejection of the application.

7. Considering the submissions of both sides and having perused the material on record, including the charge-sheet, it is evident that the entire case of prosecution against the applicants rests on circumstantial evidence. Prima facie, there is no eyewitness to the actual incident that occurred in the intervening night of 08.03.2024 and 09.03.2024. It is a settled principle that when a case relies on a chain of circumstances, bail can be considered if the chain appears broken or weak at the prima facie stage.

8. Pertinently, while the prosecution highlights a quarrel on 08.03.2024, that matter was admittedly resolved by villagers. The lapse of time between the resolution of the small scuffle and

the discovery of the body on 09.03.2024 prima facie indicates that the earlier dispute may not be the direct cause of the death.

9. Moreover, co-accused Yeshwant Gangaram Dhutire and Rahul Prakash @ Babu Saroda have been enlarged on bail by this Court. The prima facie allegations against the present applicants are no more severe than those attributed to the co-accused already been granted liberty. As such, the present applicants are also entitled for bail on the ground of parity.

10. The investigation is complete for all intent and purposes. Resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period.

11. As such, further incarceration of the applicants as an under trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favor of the applicant.

12. Hence, the following order :-

ORDER

- (I) The Bail Applications are **allowed**.
- (II) Applicants – **Madhav Yeshwant Dhutur** and **Purushottam Prakash @ Babu Sarode** be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) **each** with one or two local solvent sureties in the like amount, in connection with Crime No. 103 of 2024 registered with Umri Police Station, Dist. Nanded for the offences punishable under Sections 302, 323, 504, 506, 143, 147, 148, 149, 201 read with 34 of the Indian Penal Code alongwith Section 4/25 and 27 of the Indian Arms Act, on the following conditions :-
- (a) The applicants shall attend each and every date of the Trial Court unless exempted by the Trial Court.
- (b) The Applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- (c) The applicants shall submit their Aadhar and Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.
- (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.

- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.
- (IV) Resultantly, pending criminal application also stands disposed of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi