



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

33 BAIL APPLICATION NO. 654 OF 2026
WITH
CRIMINAL APPLICATION NO. 1286 OF 2026
IN BA/654/2026

Subhash s/o Narayan Somdhane,
Age 37 years, occ. Agriculture,
R/o. Ahankar Deulgaon, Tq. & Dist.
Jalna.

... Applicant.

VERSUS

The State of Maharashtra,
Through Kadim Jalna Police Station,
Tq. & Dist. Jalna.

... Respondent

...
Advocate for Applicant : Mr. More P. P.
Addl.PP. for Respondent : Mr. A.R. Kale
Advocate for Assist to APP : Mr. N.Y. Kingaonkar

...
CORAM : SHAILESH P. BRAHME, J.

DATE : 28.04.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No. 488/2025, registered with Kadim Jalna Police Station, District Jalna, for the offences punishable under Sections 103(1), 61(1), 3(5), 49, 54 of Bharatiya Nyaya Sanhita, 2023, and under Section 4/25 of the Arms Act.

3. A report is lodged by a friend of the deceased Babasaheb Somdhane that Babasaheb was prohibited to enter Jalna district in pursuance of the orders passed by the criminal court and he was staying at Konewadi Tq. Chhatrapati Sambhajinagar. One Krishna Somdhane wanted to take

revenge of Babashaheb. On 20.11.2025 after attending the court matter at Jalna, when Babasaheb was returning by a car, driven by informant, he was attacked by four persons, armed with the weapons. He was brutally assaulted to death and the assailants fled away.

4. The applicant is arrested on 03.12.2025 in pursuance of above offence. The charge-sheet is filed on 17.02.2026. In this backdrop, learned counsel Mr. More submits that the applicant's name and the role is not spelt out in the first information report. No incriminating material is collected to indicate any conspiracy to kill Babasaheb, of which applicant was a party. The applicant is falsely implicated due to suspicion. A stray call after the incident in question from one of the assailants to the applicant is not inculpatory. There was no motive for applicant to take drastic step against Babasaheb.

5. Learned Addl.PP would submit that the applicant and accused No. 5 Ankush were keeping watch on the movement of Babasaheb on the fateful day. The applicant was party to the plan and he also had grudge against Babasaheb. He was constantly in touch with other accused by using Baliram's mobile. The statement of Rajendra, Devidas and Amrut would indicate interest and involvement of the applicant. There are three antecedents against the applicant.

6. Criminal Application filed by the informant to assist the learned A.PP is allowed. Learned counsel for the informant has adopted the submissions advanced by the learned A.PP.

7. The first information report does not spelt out name and any role of the applicant. But it indicates rivalry between deceased Babasaheb and Krishna Somdhane. Babasaheb was prohibited from entering Jalna district in pursuance of the Court orders. Accused nos. 1 to 4 are the assailants, who are attributed overt act on the fateful day. They were armed with weapons and the death was due to the injuries inflicted by them. It is

nobodies case that applicant was inside the car and monitoring the incident. On the contrary accused no. 7 Krishna, who is said to have motive against deceased was inside the car.

8. I have gone through supplementary statement of the informant, wherein role attributed to the applicant is surfaced for the first time. Considering the previous rivalry, the applicant and the co-accused hatched the plan to eliminate Babasaheb and Babasaheb was being followed and watched by them. A call record in between Baliram and applicant is tried to be pitted against the applicant so as to show his involvement. The applicant's presence near spot of the incident is not seen. A stray call cannot be said to be incriminating.

9. It is tried to be contended that applicant was using mobile phone of Baliram and was in touch with other co-accused. It is not corroborated by any material. It would be matter of trial to examine the coordination amongst the applicant and co-accused. I have gone through statement of Rajendra, Devidas and Amrut. Those are useful to predominantly to establish the motive or the *mens rea* for Krishna and main perpetrators. Though applicant's name is taken by the witnesses to be amongst supporters of Krishna, in the absence of any incriminating material to connect him to the commission of crime, it is not possible to hold involvement of the applicant, at this stage.

10. There are three criminal cases pitted against the applicant. A stringent condition can be imposed. The applicant is behind bars since 03.12.2025. He deserves to be released on bail.

11. The Bail Application is allowed.

12. The applicant **Subhash s/o Narayan Somdhane** shall be released on bail in connection with Crime No. Crime No. 488/2025, registered with Kadim Jalna Police Station, District Jalna, for the offences punishable under

Sections 103(1), 61(1), 3(5), 49, 54 of Bharatiya Nyaya Sanhita, 2023, and under Section 4/25 of the Arms Act, on following conditions:

- (a) The applicant shall furnish P.R. bond of Rs. 50,000/- (Rs. Fifty Thousand only) with one solvent surety of like amount.
- (b) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.
- (c) The applicant shall furnish his mobile/cell number and address to the investigating officer.
- (d) The applicant shall not enter village Ahankar Deulgaon Tq. & Dist. Jalna till conclusion of the trial.
- (e) The applicant shall surrender his Aadhar Card and PAN card to the investigating officer.
- (d) The applicants shall drop a Google pin location from his mobile phone to the IO concerned so as to show his whereabouts everyday.
- (e) The applicant shall co-operate for expeditious disposal of the trial.

13. Criminal Application No. 1286/2026 is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-