



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

BAIL APPLICATION NO. 43 OF 2026

GANESH MOHANRAO WAGHMARE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Bhosle Santosh C.

APP for Respondent : Mr. A.R. Kale

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CORAM : RAJNISH R. VYAS, J.

DATE : 18TH MARCH, 2026

PER COURT :

1. The present applicant who is original accused no. 2 in First Information Report No. 293/2025, dated 11.06.2025, for the offences punishable under Sections 103 (1), 115 (2), 3 (5), 351 (2), 351 (3) and 352 of the Bhartiya Nyaya Sanhita, 2023, has approached this Court, praying for grant of bail. Accused no. 2 / the applicant was arrested on 11.06.2025, on which date FIR was lodged. The incident had occurred on 10.06.2025, which was reported by Savita Solanke / wife of the deceased.

2. In short, it is the case of prosecution that on 10.06.2025, accused no. 1 – Vijay had been to the house of the deceased and enquired about the presence of the deceased in the house. When enquired from the informant, it was told to accused no. 1 that deceased had been gone

towards the filed, at that time, the informant noticed that accused no. 1 was carrying weapon / knife.

3. In FIR, she further stated that accused no. 1 was roaming in the village and saying that he would kill the husband of the informant. On the same day, at 06:30 evening the husband of informant returned home and the incident was narrated by the informant to her husband.

4. At 08:00 p.m. on the same day again accused no. 1, came to the house of the informant and demanded the amount from the deceased. Thereafter, accused no. 1 started quarreling with the husband of informant and also threaten him to kill. At that time, accused no. 2 / applicant came and also started raising quarrel by hurling abuses to the husband of informant and in scuffle the present applicant caught hold of both the hands of the husband of informant, at which time, accused no. 1 took out the knife and gave stab injury in the stomach of the husband of the informant. The victim was thereafter, taken to the hospital and he died on 11.06.2025.

5. It is in this background, criminal law was set in motion and during the course of investigation, the weapon of crime was seized from

the spot. After completion of investigation, one more accused is added in the crime who was relative of original accused nos. 1 and 2.

5. Heard the respective counsels.

6. Learned counsel for the applicant Mr. Bhosale, contended that if the allegations in the FIR, so also documents which are part of chargesheet are perused, it would reveal that the role ascertain to the present applicant, *prima facie*, will show that there was neither the intention nor the knowledge on his part to commit the offence. He, further, submitted that the applicant has been falsely implicated, just because his brother, had some financial transaction with the deceased, due to which quarrel had took place. He, further, argued that since the chargesheet is already filed and investigation is completed and considering the fact that the accused has no criminal antecedents, he may be released on bail.

7. Per contra, learned APP has contended that considering the scope of present proceedings, the detail examination of the evidence is not at all necessary. According to him, the fact remains that when the deceased was assaulted, the applicant was present on the spot and the act

of the present applicant clearly shows that he facilitated accused no. 1 to commit the crime. He submitted that considering the evidence available on record, the applicant be not released on bail.

8. With the assistance of both the counsels, I have gone through the record of the case. The incident which is part of the final report can be narrated in two parts. First part, in which, accused no. 1 had been house of the victim and enquired about her husband, at which time, accused no. 1 was carrying the knife which was noticed by the informant. In the second part, incident which taken place at 08:00 p.m., it was accused no. 1 who first came on the spot of incident and started a scuffle with the husband of informant. Thereafter, the present applicant had arrived who had also abused the husband of informant and had quarreled with him and in that quarrel, he caught hold both the hands of the deceased. It is the case of prosecution, at that time, it was accused no. 1 who took out the knife and gave a stab blow. Thus, the story advanced in the FIR, so also version of other witnesses shows that first the hands of the deceased were caught hold by the present applicant and, thereafter, accused no. 1 had given a blow. The fact remains that nothing has been brought on record by the prosecution to show that the applicant was aware that accused no. 1 was carrying the knife. Apart from it, the role

assigned to the present applicant that he had caught hold of the hands of the present applicant, *prima facie*, shows that he was not actively involved in the offence committed.

9. Considering the fact that investigation is already completed and the nature of material available against the present applicant as discussed supra, so also the fact that he has no criminal antecedents, I am inclined to allow the present application and accordingly, the following order is passed :

ORDER

- i. Bail Application is allowed.
- ii. The applicant shall be released on bail in connection with FIR No. 293/2025, dated 11.06.2026, registered with Bhokar Police Station, District Nanded, for commission of offence punishable under Sections 103 (1), 115 (2), 3 (5), 351 (2), 351 (3) and 352 of the Bhartiya Nyaya Sanhita, 2023, on furnishing P.R. bond of Rs. 50,000/- (Rupees fifty thousand) with one surety in the like amount, on the following terms and conditions.
- iii. The applicant shall attend the concerned police station on every Thursday between 10:00 and 12:00 in the morning.

- iv. The applicant shall not influence the witnesses or tamper the evidence.
- v. The prosecution is at liberty to move the application for cancellation of bail, if the applicant breaches the any of the conditions.
- vi. The applicant shall not leave the country without prior permission of this Court.

(RAJNISH R. VYAS, J.)

SPC