



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 58 OF 2026

KEDAR NAMDEO JAGTAP
VERSUS
THE STATE OF MAHARASHTRA

Mr. Surendra V. Suryawanshi, Advocate for Applicant;
Mr. P. P. Dawalkar, APP for Respondent;
Ms. Ashwini S. Deshmukh, Mr. Shriram V. Deshmukh, Advocate for Informant

CORAM : SACHIN S. DESHMUKH, J.

Date : 4th February, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 24.09.2025 bearing Crime No.540 of 2025 registered with Hingoli Rural Police Station, Hingoli for the offences punishable under Sections 103(1), 109(1), 118(2), 115(2), 352, 351(3), 189(2), 189(4), 191(3), 190 of the Bhartiya Nyaya Sanhita, 2023 alongwith Section 3 read with 25 of the Arms Act.

2. The prosecution case is that the complainant Bapurao Jagtap resides with his wife Sugandha and two sons Harish and Shivraj. For the past four years, a bitter enmity has existed between the complainant's brother Kundalik, and the accused Laxman Rayaji Jagtap stemming from a dispute over fetching water from a field pond. This dispute resulted in a police case and a complete cessation of communication between the two families.

3. The prosecution alleges that on 23.09.2025 approximately at 07.00 pm, while the complainant was near Bhanudas Jagtap's shop, witnessed Kedar Namdev Jagtap and Umesh Gangaram Ubale urinating near the entrance of Kundalik's house. When Kundalik objected, the duo began abusing and manhandling him, prompting the complainant to intervene and settle the matter temporarily.

4. Later that evening, approximately at 09.00 pm, Kundalik informed the complainant that Kedar Jagtap was continuing his harassment. Intent on resolving the issue Kundalik, accompanied by his son Shivraj, Subhash Kurwade, and Balaji Sakharam Jagtap, proceeded to the residence of Laxman Rayaji Jagtap to reason with him. Approximately at 10.00 pm, while the complainant and his father were returning home, they heard sounds resembling firecrackers followed by frantic shouting.

5. Upon rushing toward the noise near Sitaram Mankari's house, they discovered Shivraj lying on the ground with a gunshot wound to his chest. Shivraj, in a conscious state, informed the complainant that when they reached Laxman's house, the accused, Kedar Jagtap, Laxman Jagtap, Dnyaneshwar Jagtap, Vitthal Jagtap, and Umesh Ubale, began assaulting them with sticks and kicks while threatening to finish them off.

6. According to the prosecution, Dnyaneshwar Jagtap incited the group to kill Kundalik also, prompting Laxman Jagtap to fetch a pistol from his house. Laxman subsequently fired a shot that struck Shivraj in the chest. As the group attempted to flee for their lives, Vitthal Jagtap seized the firearm from Laxman and continued firing at the retreating men, striking Kundalik, Subhash Kurwade, and Balaji Sakharam Jagtap.

7. Following the attack, the injured were rushed toward the Government Hospital in Hingoli. Shivraj fainted during transit and was declared dead by doctors during treatment. Kundalik was brought to the same hospital via ambulance, where he was also declared dead upon arrival. Accordingly, the FIR came to be lodged.

8. The learned counsel for the applicant contends that the applicant / accused Kedar has been falsely implicated in the present crime solely due to his long-standing family enmity and the ongoing civil dispute regarding water rights between the complainant's family and the Jagtap family. The entire prosecution narrative is a result of an afterthought, designed to rope in every male member of the accused's family to settle past scores.

9. The learned counsel for applicant further submits that the presence of the applicant at the scene of the second incident

at 10.00 pm is highly doubtful and appears to be a concoction of the complainant. Even as per the FIR, the applicant did not participate in the act of shooting or inciting the use of firearms. Given that the investigation is complete and the chargesheet has been filed, continued incarceration is unjustified. Hence, prayed to allow the application.

10. The learned APP submits that the prosecution has cited material witnesses. It is further submitted that the Investigating Officer has seized various articles from the spot and there is substantial evidence against the present applicant indicating the complicity of the applicant. The offence is serious in nature. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution witnesses. Hence, prayed to reject the application.

11. Having heard the learned counsel for applicant and learned APP for State, the applicant is facing the charge of murder which is punishable with death sentence or imprisonment for life. The Honourable Apex Court, in the case of **Kalyan Chandra Sarkar and Ors. vs. Rajesh Ranjan and Ors. [(2004)7 SCC 528]**, while laying down the guidelines for grant or refusal of bail in serious offences like murder, has observed as under :

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(c) Prima facie satisfaction of the court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh and Puran v. Rambilas.)

12. Similarly, the Honourable Apex Court, in the case of **Pralhad Singh Bhati vs. NCT, Delhi [(2001)4 SCC 280]**, held that on satisfaction of *prima facie* evidence establishing the guilt of the accused, the bail can be denied.

13. The Honourable Apex Court, in the case of **Ram Govind Upadhyay Vs. Sudarshan Singh [(2002)3 SCC 598]**, has held that a judicial discretion in granting bail must not be exercised whimsically, especially in heinous offences.

14. Equally, the Honourable Apex Court, in the case of **State of UP through CBI vs. Amaramani Tripathi [(2005)8 SCC 21]**, has held that the Court must evaluate the *prima facie* evidence showing the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused.

15. The Honourable Apex Court, in the case of **Prasanta Kumar Sarkar vs. Ashis Chatterjee [(2010)14 SCC 496]**, has held that the mechanical grant of bail reflects non-application of mind, and outlined eight crucial factors to be considered, including reasonable ground for belief in guilt, nature of evidence and possibility of justice being thwarted.

16. Upon a perusal of the record, *prima facie*, it is evident that the incident dated 23.09.2025 is not an isolated event but the culmination of a violent rivalry between the two families. The sequence of events *prima facie* indicates that the initial altercation involving the applicant at 07.00 pm served as the immediate provocation and "spark" for the subsequent homicidal attack. This establishes a *prima facie* link between the applicant's conduct and the fatal escalation that occurred later that evening.

17. The prosecution case and the statements of witnesses specifically name the applicant Kedar, as part of the unlawful assembly that intercepted the victims. The record *prima facie*

indicates that the applicant participated in the initial physical assault with sticks and kicks, thereby facilitating the environment in which the co-accused used a firearm to lethal effect.

18. Upon perusing the material on record, *prima facie* substance in the prosecution case regarding common intention. His presence and participation in the beating, while other accused members were shouting to finish them off. The concerted nature of the attack, where two individuals lost their lives and two others sustained grievous gunshot wounds, indicates a shared objective to cause death or severe bodily harm.

19. The Honourable Apex Court, in the case of **State of Bihar vs. Amit Kumar [(2017)13 SCC 751]**, has held that the delay in trial especially in cases involving serious offences, cannot by itself be a ground for bail. In the present case, the trial is actively progressing, and the prosecution has demonstrated its concern to conclude proceedings expeditiously. Given the seriousness of the offences charged, the extensive material evidence presented weighs overwhelmingly against the applicant.

20. Apart from the aforesaid aspect, the accused persons are charged with offences punishable under Sections 189(2), 189(4), 190 and 191(3) read with Section 103(1) of the Bharatiya Nyaya Sanhita (BNS), 2023. All the accused persons, with common

intention, attacked and assaulted the deceased with deadly weapons, including a pistol. Thus, it is difficult to decipher at this stage which specific accused caused the fatal injury to the person. When the accused are charged for offences punishable under Section 190 of the BNS and presence of the accused is established as part of an unlawful assembly, the individual role and/or overt act of each accused is neither significant nor relevant. This aspect is no longer *res integra* in light of the judgment of the Honourable Apex Court in the case of ***Manno Lal Jaiswal vs. The State of Uttar Pradesh and another, Criminal Appeal No. 97 and 98 of 2022, dated 25.01.2022.***

21. Considering the material on record, a clear *prima facie* case has been established indicating the applicant's involvement. The Honourable Apex Court has consistently reiterated, while dealing with serious offenses such as murder, the court must consider the nature of the charges and the weight of the evidence.

22. The gravity of the offence is of the highest order. The case involves a "double murder" *vis-a-vis* "attempt to murder" committed in broad daylight in a public space, which has caused significant tension in the locality. Granting bail to a key participant in such a heinous crime would jeopardize the safety of the surviving witnesses, who are already under threat due to the above noted enmity.

23. In view of the aforesaid observations and having regard to the gravity of the offence, I do not find merit in the present application and accordingly, the bail application is ***rejected***.

(SACHIN S. DESHMUKH, J.)

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