



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

977 BAIL APPLICATION NO. 270 OF 2026

Babahujur Shahaboddin TamboliApplicant

VERSUS

The State of MaharashtraRespondent
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Mr. V. B. Jadhav, Advocate for Applicant.
Mr. A. R. Kale, Addl. GP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 20th FEBRUARY, 2026.

PER COURT :

1. By this application, the Applicant is seeking release on regular bail in connection with Crime No.92/2025, registered with Jalkot Police Station, District Latur for the offences punishable under Sections 109, 109(1), 115(2), 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution case is that, on 12/5/2025, there was trivial quarrel between the brother of the informant namely Madhav with the present Applicant. At about 10.35 p.m., Applicant made phone call to the informant and called him at Bus Stand. Therefore, the informant went in front of Bus Stand along with Chandrakant

Sambhaji Dhulshette, Rameshwar Dhulshette and Kiran Waghmare. At that time, Applicant along with co-accused was present there. It is alleged that, Applicant manhandled the informant and abused him and saying that he will finish him, gave a blow of axe on his head. As the informant saved the said blow he sustained injury on left shoulder.

3. It is further alleged that co-accused Ismail assaulted by Katti on the left hand elbow of the informant and caused injury to him. Further, the accused Abhijit assaulted the informant by road on his back and right leg and caused injury. The persons who had come along with the informant and one Sangameshwar Kokane and others rescued the informant. The above accused persons assaulted the informant by fists and kicks and threatened to kill him.

4. Learned counsel for the Applicant submits that, the allegations made in the First Information Report are afterthought and it is a case of over implication and prayed to allow the application.

5. Per contra, learned APP vehemently opposed the application and submitted that, the offence committed by the Applicant is

serious in nature. Nevertheless, there are criminal antecedents as against the present Applicant. As such, prayed to reject the application.

6. Having heard the respective counsel for both the sides and upon perusal of the record indicates *prima facie* that the injury certificate indicates that the informant has suffered a simple injury on his left hand. Thus, considering the nature of injury, it appears to be case of over implication, therefore, the application warrants consideration.

7. Furthermore, the Applicant is behind the bars for almost six months. Considering the number of accused and witnesses which the prosecution seeks to examine, the trial is unlikely to conclude within a reasonable period. Hence, the further incarceration of the applicant as an undertrial prisoner is unwarranted.

8. Nevertheless, the investigation is complete for all intents and purposes. The apprehension of learned APP can be taken care of by imposing stringent conditions upon the applicant.

9. Hence the order :

O R D E R

- (i) Bail Application is allowed.
- (ii) The applicant Babahujur Shahaboddin Tamboli be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution witnesses in any way.
 - (b) The applicant shall not enter in the vicinity of Jalkot, District Latur, till conclusion of the trial.
 - (c) The applicant shall remain present on each date, unless exempted by the trial Court.
- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)