



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

BAIL APPLICATION NO. 318 OF 2026

1. Atmaram S/o Subhash More,
Age : 44 Years, Occu. : Agril.,
2. Sushil S/o Atmaram More,
Age : 22 Years, Occu. : Labour,

Both R/o Bondhalapuri,
Tq. Ghansawangi, Dist. Jalna. .. Applicants

Versus

The State of Maharashtra .. Respondents

Shri P. P. More, Advocate for the Applicants.
Shri G. O. Wattamwar, A.P.P. for the Respondent – State.
Shri Arjun R. Lukhe, Advocate for the Intervenor – informant.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 24TH MARCH, 2026.**

ORDER :

. Heard both sides. Applicants are seeking enlargement on bail in respect of offence bearing Cr. No. 412/2025 registered with Ghansawangi Police Station for the offences punishable U/Sec. 103(1), 118(2), 118(1), 238(A), 189(2), 190, 191(2), 191(3), 352, 351(2) of the Bhartiya Nyaya Sanhita, 2023 and Sec. 135 of the Maharashtra Police Act.

2. Applicants are shown to be involved in the incident of 03.08.2025. Applicant No. 1 – Atmaram More is arrested on

26.08.2025 and applicant No. 2 – Sushil More is arrested on 24.09.2025. Charge sheet is filed on 27.10.2025.

3. The allegations against the applicants and co-accused are that applicant No. 1 assaulted deceased with iron rod on the head and applicant No. 2 along with other co-accused assaulted by knife on the stomach, head and thigh. It is further alleged that accused had formed unlawful assembly and they assaulted the witnesses also, who tried to intervene and save the victim.

4. Learned counsel Mr. P. P. More appearing for the applicants submits that they are entitled to bail on the ground of parity. My attention is adverted to the order passed by the coordinate bench. He would further advert my attention to the statements of the witnesses Ranjit Yamaji Vairal and Gopal Babasaheb Unde, which are inconsistent with the prosecution story. My attention is also adverted to the injuries suffered by the victim.

5. Per contra, learned A. P. P. opposes the submissions. It is vehemently contended that there are eye witnesses namely Ankita Madhukar Unde, Suresh Kishanrao Jadhav and Mukta Anil Walke. Their statements would prevail over the statement of Ranjit Vairal and Gopal Unde. It is submitted that medical evidence corroborates the prosecution story. It is further contended that there are injured witnesses. Medical certificate would corroborate prosecution story.

6. I have gone through the rival submissions. Applicant – Atmaram More is stated to have assaulted by iron rod on the head of the deceased. I have gone through the injuries on head reflected in column No. 18 of the postmortem report. I have also gone through medico legal certificate. At this juncture I am of the view that the injuries over the head would not support the allegations in the first information report. Column No. 17 of the report further discloses injuries on the stomach, thigh and the scalp. Those are caused by sharp weapon and those are attributable to the applicant No. 2 – Sushil More. It cannot be said that the death could have been caused by the stab injuries at this juncture.

7. I have gone through the order passed by the coordinate Bench in enlarging co-accused Ashay Manik More and Vishal Vishal Datta More vide order dated 19.01.2026. Against those persons the allegations are in respect of assault by stick. But there is reference of the statement of Ranjit Vairal. I am not inclined to accept the ground of parity because there is difference in the allegations attributable to those accused persons and present applicants. My attention is adverted to the statement of Ranjit and Gopal. Those are not eye witnesses, but they are giving narrations of the incident which occurred after they reached the spot of incident.

8. A careful perusal of their statements would show that

when there is ocular testimony of eye witnesses that is Ankita and Mukta. The version given by those persons is doubtful. It cannot be overlooked that due to statement of these persons a doubt is created regarding actual occurrence of the crime.

9. I find that main perpetrator appears to be Sachin, who is already behind the bar and who is not before the Court. The assault attributable to the applicant No. 1 – Atmaram More by iron rod is doubtful. Assault by applicant No. 2 – Sushil More by knife cannot be said incriminating to deny the bail.

10. Learned A. P. P. has relied upon the **judgment dated 23.02.2026 of the Supreme Court in Shobha Namdev Sonawane Vs. Samadhan Bajirao Sonawane and others in S. L. P. No. 12440 of 2023**. The facts are distinguishable. The observations made in the matter are in the context of peculiar circumstances. I find that judgment cited would not enure to the benefit of the prosecution.

11. I find that case is made out to grant bail to the applicants. I, therefore, pass following order.

O R D E R

A. The bail application is allowed.

B. Applicant No. 1 – Atmaram Subhash More and applicant No. 2 – Sushil Atmaram More shall be released on bail in respect

of Cr. No. 412/2025 registered with Ghansawangi Police Station for the offences punishable U/Sec. 103(1), 118(2), 118(1), 238(A), 189(2), 190, 191(2), 191(3), 352, 351(2) of the Bhartiya Nyaya Sanhita, 2023 and Sec. 135 of the Maharashtra Police Act on condition of furnishing P. R. bond of Rs. 30,000/- (Rs. Thirty thousands only) each with one solvent surety of like amount.

C. The applicants shall not tamper with prosecution evidence or contact with the prosecution witnesses.

D. The applicants shall stay away from entire Ghansavangi taluka, Dist. Jalna till conclusion of the trial.

E. They shall furnish their mobile/cell number and address to the Investigating Officer.

E. Bail application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/March 26