



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 338 OF 2026

Balaji @ Balu Yeshwant Dhuture

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. Avinash Patil, Advocate h/f Mr. A.K. Bhosle, Advocate for applicant
Mr. A.R. Kale, Addl.P.P. for respondent – State
....

CORAM : RAJNISH R. VYAS, J.
DATE : 17th MARCH, 2026

PER COURT :

. This is an application for grant of bail in connection with F.I.R. No. 103 of 2024 dated 09th March, 2024 registered with Umari Police Station, Dist. Nanded for commission of offence punishable under Sections 302, 323, 504 and 506 read with Section 34 of the Indian Penal Code. The trial Court has rejected the bail application of the present applicant on 11th June, 2025 and the present application for bail came to be filed on 16th February, 2026.

2. The principal contention of the present applicant that similarly situated accused by name – Madhav Dhuture had moved before this Court by preferring Bail Application No. 905 of 2025 and he was released on bail on 04th February, 2026, and therefore, he be also extended the similar benefit.

3. At the outset, it is very disturbing to note that in the application preferred by the present applicant, it is not mentioned whether the charges are

framed or what is the stage of trial. On being enquired, learned A.P.P. has submitted that the charge was already framed in the month of January 2025 and as on date seven witnesses are already examined. In fact, this fact could have been brought on record. Even order dated 04th February, 2026 concerning to co-accused – Madhav, shows that this Court has not dealt with the aforesaid aspect, probably for the reason that the development stated above were not brought on record or to the notice of the Court.

4. The aforesaid factors would be relevant for deciding the question of grant of bail, since the Hon'ble Apex Court in case of X Vs. State of Gujarat, Special Leave Petition (Cri.) No. 13378 of 2024, has observed as under :-

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

15. Over a period of time, we have noticed two things, i.e., (i) either bail is granted after the charge is framed and just before the victim is to be examined by the prosecution before the trial court, or (ii) bail is granted once the recording of the oral evidence of the victim is complete by looking into some discrepancies here or there in the deposition and thereby testing the credibility of the victim.

16. We are of the view that the aforesaid is not a correct practice that the Courts below should adopt. Once the trial commences, it should be allowed to reach to its final conclusion which may either result in the conviction of the accused or acquittal of the accused. The moment the High Court exercises its discretion in favour of the accused and orders release of the accused on bail by looking into the deposition of the victim, it will have its own impact on the pending trial when it comes to appreciating the oral evidence of the victim. It is only in the event if the trial gets unduly delayed and that too for

no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed.”

It is in this background, the aforesaid facts would affect the decision making process of the Court. Still learned counsel has insisted that his case be decided on the touchstone of the order passed by this Court in case of co-accused / Madhav Dhutire.

5. The F.I.R. stated above, was lodged on 09th March, 2024 which resulted into registration of crime no. 103 of 2024 for commission of offence punishable under Sections 302, 323, 504, 506 read with Section 34 of the I.P.C. So far as present applicant is concerned, he was shown as Accused No.1 in the said F.I.R. The charge-sheet was filed on 02nd July, 2024 for commission of offence punishable under Sections 302, 323, 504, 506, 143, 147, 148, 149 and 201 of the I.P.C. and Sections 4(25)(27) of the Arms Act, in which the applicant alongwith five other accused were charge-sheeted. In the report it was the case of prosecution that on 07th March, 2024, discussion took place between Vyankatrao Kesgire and Anandrao Nandgaye regarding taking of machine used for killing pigs of Yashwant Dhutire, without even asking. But the dispute was resolved and the concerns left. On 08th March, 2025 at about 06:00 in the evening when Balaji i.e. present applicant, Madhav (on the basis of whose order parity is claimed) and Umakant were sitting on the platform, a dispute took place between them at which time the present applicant and the co-accused – Madhav had assaulted one Umakant by means of slaps and fists and threatened

him to kill. At that time the other persons i.e. Rajesh Nandgaye, Raju Kasbe, Balaji Dange and others intervened.

6. On 09th August, 2023 at about 08:00 in the morning when Umakant did not return home and also did not attend the call, the informant alongwith his cousin / Shivcharan went to the field and found that Umakant was lying in a pool of blood in the agricultural field. It is on the basis of the aforesaid incident, the F.I.R. was lodged. During the course of investigation, at the instance of present applicant, weapon was recovered under Section 27 of the Evidence Act i.e. a 'dagger' (*khanjar*). The postmortem report shows that the accused has sustained total six injuries and the cause of death was due to cut throat and multiple stab injury over neck. The seizure of weapon from the applicant which was having length of 36 cms., out of which the blade was 25 cms. and the handle was 11 cms., which was made on 11th March, 2024. On 22nd March, 2024 the said weapon alongwith the other materials was forwarded to the medical officer, Rural Hospital, Umri and a query was made. The query was replied on 26th March, 2024, in which it is stated that the injuries sustained on the neck can be caused due to the aforesaid weapon. If the order dated 04th February, 2025 passed by this Court is perused, on the basis of which the parity is claimed, it would reveal that neither the question of recording of seven witnesses was considered, nor the recovery at the instance of present applicant. Thus, in that view of the matter, I come to the conclusion that due to want of production of necessary material and suppression of material fact, at the

instance of present applicant, the order dated 04th February, 2026 passed by this Court will not help the present applicant.

7. Learned A.P.P. has further stated that when the weapon of the offence was seized, it was found that some blood stains were on it. The weapon was then forwarded to the chemical analysis. Exhibit G2 is the weapon which was forwarded to the Forensic Science Laboratory, Nanded, so also the blood of deceased (B4) and the query was put to that effect. Learned A.P.P. further contended that if the report of forensic expert is perused, it would reveal that on 09th October, 2025, the laboratory has submitted two reports which are as under :-

REGIONAL FORENSIC SCIENCE LABORATORY STATE OF MAHARASHTRA Dr. SHANKARRAO CHAVAN GOVERNMENT MEDICAL COLLEGE BUILDING (OLD), SECOND FLOOR, VAZIRABAD, NANDED-431 601 TEL: 02462 236631 FAX: 02462 244631				
EXAMINATION REPORT				
		M.L. Case No.	: Nd/DNA/377/2025	
		Nd. (T). No.	: 9844125	
		Date	: 09/10/25	
To, The Police Inspector, Police Station: Umari, Dist: -Nanded.				
1)	Ref. No.	: -	Date	: -
2)	No. of Exhibits	: Six	P.S.	: Umari
3)	C.R. No.	: 103/2024	U/s	: Sec.302 IPC
4)	Mode of receipt	: ACA/AD Bio	Date of receipt	: 24/07/2025 - 01/08/25 - (Dr)
5) Condition of the parcel(s)/seal(s): -- Six sealed packets from biology division, labelled- Nd/B/1039/2024.--				
6) Description of articles contained in the parcel: Ex. (6) Blood stain cutting from full t-shirt (cut) put in a packet, labelled – Umakant Nandgaye, Exb. No. B, Nd/B/1039/24, Ex. (6). -- Ex. (8) Blood stain cutting from sando baniyan put in a packet, labelled – Umakant Nandgaye, Exb. No. B2, Nd/B/1039/24, Ex. (8). -- Ex. (10) Blood stain cutting from full t-shirt put in a packet, labelled – Balaji Dhature, Exb. No. C, Nd/B/1039/24, Ex. (10). -- Ex. (12) Prepared blood stain from metallic knife put in a packet, labelled - Exb. No. C2, Nd/B/1039/24, Ex. (12). -- Ex. (14) Blood stain cutting from full jeans pant put in a packet, labelled – Rahul Sarode, Exb. No. D, Nd/B/1039/24, Ex. (14). -- Ex. (15) Blood stain cutting from full shirt put in a packet, labelled – Rahul Sarode, Exb. No. D1, Nd/B/1039/24, Ex. (15). --				

Nd/DNA/377/24

RESULTS OF ANALYSIS

-- DNA profiles are obtained from Ex. (6) - blood stain cutting from full t-shirt (cut), Ex. (8) - blood stain cutting from sando baniyan, and Ex. (12) - prepared blood stain from metallic knife in R.F.S.L. M.L. Case No.- Nd/B/1039/2024. --

-- No interpretable DNA profile is obtained from Ex. (10) - blood stain cutting from full t-shirt, Ex. (14) - blood stain cutting from full jeans pant, and Ex. (15) - blood stain cutting from full shirt in R.F.S.L. M.L. Case No.- Nd/B/1039/2024.--

-- For comparative DNA profiling results, please refer vide to this office M.L. Case No. Nd/DNA/381/2025. --


 (R.V. CHAVAN)
 Assistant Chemical Analyser
 Regional Forensic Science Laboratory
 Police, Dept. Govt. of Maharashtra, Nanded

Analysis started on : 06/08/2025
Analysis completed on : 20/08/2025

Analysis by: : Assistant Chemical Analyser
Designation: : Regional Forensic Science Laboratory
 Police, Dept. Govt. of Maharashtra, Nanded


REGIONAL FORENSIC SCIENCE LABORATORY
 STATE OF MAHARASHTRA
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 TEL: 02462 236631 FAX: 02462 244631

EXAMINATION REPORT

M.L. Case No. : Nd/DNA/381/2025
 Nd. (T). No. : 3816125
 Date : 09/10/25

To,
 The Police Inspector,
 Police Station: Umari,
 Dist: -Nanded.



1) Ref. No.	: -	Date	: -
2) No. of Exhibits	: Three	P.S.	: Umari
3) C.R. No.	: 103/2024	U/s	: Sec.302 IPC
4) Mode of receipt	: ACA/AD Bio	Date of receipt	: 04/08/2025

5) Condition of the parcel(s)/seal(s):
 -- Three sealed packets of R.F.S.L. M.L. Case No. Nd/B/1532/2024 from biology division. --

6) Description of articles contained in the parcel:
 Ex. (1) Blood stain cutting from full shirt in a packet, labelled- Ex. No. G, Purushottam Prakash urf Babu Sarode, Nd/B/1532/24, Ex. (1). --
 Ex. (2) Blood stain cutting from full pant put in a packet, labelled- Ex. No. G1, Purushottam Prakash urf Babu Sarode, Nd/B/1532/24, Ex. (2). --
 Ex. (3) Prepared blood stain from Daggar put in a packet, labelled- Ex. No. G2, Nd/B/1532/24, Ex. (3). --

RESULTS OF ANALYSIS

-- The DNA extracted from Ex. (6) - blood stain cutting from full t-shirt (cut), Ex. (8) - blood stain cutting from sando baniyan, and Ex. (12) - prepared blood stain from metallic knife in R.F.S.L. M.L. Case No.- Nd/B/1039/2024 (Nd/DNA/377/2024); Ex. (1) - prepared blood stain from blood of Umakant Govindrao Nandgaye in R.F.S.L. M.L. Case No.- Nd/B/1040/2024 (Nd/DNA/378/2024);

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Ex. (2) - prepared blood stain from blood of Balaji Yashwant Dhature in R.F.S.L. M.L. Case No. Nd/B/1041/2024 (Nd/DNA/379/2024); Ex. (2) - prepared blood stain from blood of Rahul Prakash urf Babu Sarode in R.F.S.L. M.L. Case No. Nd/B/1042/2024 (Nd/DNA/380/2024); Ex. (2) - prepared blood stain from blood of Purushottam Prakash urf Babu Sarode in R.F.S.L. M.L. Case No. Nd/B/1533/2024 (Nd/DNA/382/2024); Ex. (1) - blood stain cutting from full shirt, Ex. (2) - blood stain cutting from full pant and Ex. (3) - prepared blood stain from Daggar in this case were typed at twenty-three STR Loci, gender specific Amelogenin Locus and male specific 'Y indel' Locus using PCR Amplification techniques. --

- The results of DNA typing are summarized as follows:

STR LOCUS R.F.S.L.M.L. Case No.	GENOTYPE				
	Nd/B/1039/2024 (Nd/DNA/377/2024)			Nd/B/1040/2024 (Nd/DNA/378/2024)	Nd/B/1041/2024 (Nd/DNA/379/2024)
Ex. No.	Ex. (6)	Ex. (8)	Ex. (12)	Ex. (1)	Ex. (2)
D3S1358	15, 16	15, 16	15, 16	15, 16	17, 17
vWA	17, 18	17, 18	17, 18	17, 18	16, 17
D16S539	10, 11	10, 11	10, 11	10, 11	8, 9
CSF1PO	10, 13	10, 13	10, 13	10, 13	12, 12
D6S1043	17, 17	17, 17	17, 17	17, 17	14, 19
Y indel	2	2	2	2	2
AMELOGENIN	X, Y	X, Y	X, Y	X, Y	X, Y
D8S1179	13, 13	13, 13	13, 13	13, 13	15, 15
D21S11	30, 31.2	30, 31.2	30, 31.2	30, 31.2	29, 30
D18S51	13, 16	13, 16	13, 16	13, 16	15, 17
D5S818	9, 13	9, 13	9, 13	9, 13	11, 12
D2S441	10, 11	10, 11	10, 11	10, 11	11, 11
D19S433	13, 14	13, 14	13, 14	13, 14	14, 14.2
FGA	19, 25	19, 25	19, 25	19, 25	24, 25
D10S1248	15, 15	15, 15	15, 15	15, 15	15, 16
D22S1045	11, 17	11, 17	11, 17	11, 17	15, 16
D1S1656	11, 17	11, 17	11, 17	11, 17	12, 16
D13S317	8, 12	8, 12	8, 12	8, 12	11, 13
D7S820	10, 12	10, 12	10, 12	10, 12	10, 10
Penta E	12, 15	12, 15	12, 15	12, 15	11, 16
Penta D	9, 11	9, 11	9, 11	9, 11	11, 11
TH01	9, 9.3	9, 9.3	9, 9.3	9, 9.3	7, 8
D12S391	21, 23	21, 23	21, 23	21, 23	18, 21
D2S1338	19, 19	19, 19	19, 19	19, 19	19, 24
TPOX	10, 11	10, 11	10, 11	10, 11	11, 11



(R. V. CHAVAN)
Assistant Chemical Analyser
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(Continued to next page →)

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STR LOCUS	GENOTYPE		
	Nd/B/1042/2024 (Nd/DNA/380/2024)	Nd/B/1532/2024 (Nd/DNA/381/2024)	Nd/B/1533/2024 (Nd/DNA/382/2024)
Ex. No.	Ex. (2)	Ex. (3)	Ex. (2)
D3S1358	14, 15	16, 17	14, 17
vWA	14, 17	18, 19	14, 16
D16S539	8, 11	9, 13	8, 11
CSF1PO	11, 11	11, 12	11, 12
D6S1043	14, 21	17, 18	14, 21
Y indel	2	2	2
AMELOGENIN	X, Y	X, Y	X, Y
D8S1179	11, 13	12, 17	11, 13
D21S11	29, 30	30, 31	30, 32.2
D18S51	14, 17	14, 15	15, 17
D5S818	12, 12	10, 11	12, 12
D2S441	10, 14	10, 11	10, 14
D19S433	14.2, 14.2	14, 15	14.2, 14.2
FGA	24, 25	26, 26	24, 25
D10S1248	14, 15	13, 14	14, 15
D22S1045	11, 15	11, 15	15, 15
D1S1656	13, 16	11, 15	13, 16
D13S317	11, 12	8, 11	12, 12
D7S820	11, 11	8, 11	11, 12
Penta E	11, 15.4	11, 13	16, 16
Penta D	9, 12	9, 10	11, 13
TH01	8, 9	6, 8	6, 9
D12S391	17, 21	18, 22	19, 21
D2S1338	17, 17	21, 23	20, 20
TPOX	9, 10	9, 11	9, 10



(R. V. CHAVAN)
Assistant Chemical Analyser
Regional Forensic Science Laboratory
Home Dept. Govt. of Maharashtra, Nanded.

Nd/DNA/381/2025
Cr. - 103/2024, P. Stn. - Umari, Dist. - Nanded

• Interpretation: -

(1) DNA profiles obtained from Ex. (6) - blood stain cutting from full t-shirt (cut), Ex. (8) - blood stain cutting from sando baniyan, and Ex. (12) - prepared blood stain from metallic knife in R.F.S.L. M.L. Case No.- Nd/B/1039/2024 (Nd/DNA/377/2024) **matched** with control DNA profile obtained from prepared blood stain from blood of Umakant Govindrao Nandgaye. -

(2) DNA profile obtained from Ex. (3) - prepared blood stain from Daggar in this case **did not match** with control DNA profiles obtained from prepared blood stain from blood of Umakant Govindrao Nandgaye, prepared blood stain from blood of Balaji Yashwant Dhature, prepared blood stain from blood of Rahul Prakash urf Babu Sarode, prepared blood stain from blood of Purushottam Prakash urf Babu Sarode.

• Opinion: -

(1) DNA profiles obtained from Ex. (6) - blood stain cutting from full t-shirt (cut), Ex. (8) - blood stain cutting from sando baniyan, and Ex. (12) - prepared blood stain from metallic knife in R.F.S.L. M.L. Case No.- Nd/B/1039/2024 (Nd/DNA/377/2024); control DNA profile obtained from prepared blood stain from blood of Umakant Govindrao Nandgaye are **identical and from one and the same source of male origin.** -

Analysis started on : 06/08/2025
Analysis completed on : 19/09/2025

(R. V. CHAVAN)
Assistant Chemical Analyser
Regional Forensic Science Laboratory
Home Dept. Govt. of Maharashtra, Nanded

Note: 1) Results only to the exhibits tested.
2) Report shall not be reproduced except in full, without the written approval of the Director.
3) After Examination:
a) Biological exhibits will be disposed off.
b) Exhibit should be removed within fifteen days from the receipt of this report.

8. Thus, it is crystal clear that the forensic report also prima facie goes against the present applicant. It is necessary to mention here that the Court is not expected to conduct the mini trial at this stage, but it is due to the insistence of the present applicant that parity is applicable to him, the aforesaid observations are made. The act of not mentioning of examination of seven witnesses, would have been a ground enough to reject the application, but in the interest of justice only the aforesaid findings are given.

9. Mr. Avinash Patil, learned counsel for the applicant again invited my attention to the law laid down by the Apex Court in case of Mohd. Hanif @ Mammad Vs. State of Uttar Pradesh Criminal Appeal No. 4524 of 2025 dated 15th October, 2025, more particularly paragraph nos.4, 5 and 6 and has submitted that since the accused persons are released, parity be made applicable to him.

10. In the aforesaid case decided by Hon'ble Apex Court, following observations are made :-

“4. We are informed that the trial has already commenced. We are further informed that except the appellant, Mohd. Hanif @ Mammad, all other accused in the offence have already been granted bail.

5. We, therefore, find no grounds to deny the appellant, Mohd. Hanif @ Mammad, bail on parity.

6. Accordingly, we accept the present appeal and direct that the appellant, Mohd. Hanif @ Mammad, shall be released on bail in connection with the aforesaid FIR on such appropriate terms and conditions as may be fixed by the trial Court.”

11. So far as present case is concerned, though all the co-accused are released, the fact remains that the role assigned to the present applicant is totally different.

12. For the aforesaid reasons bail application is rejected. It is made clear that the observations made hereinabove are only prima facie and the trial Court shall not get influenced by the aforesaid observations.

(RAJNISH R. VYAS, J.)

SSD