



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

938 BAIL APPLICATION NO. 380 OF 2026

Shivaji @ Nana Suresh Patil,
Age 30 years, Occ. Labour,
R/o. Chaudhariwadi, Chalisgaon,
Dist. Jalgaon

... **Applicant.**

VERSUS

The State of Maharashtra,
Through investigating officer
Chalisgaon Police station,
Dist. Jalgaon.

... **Respondent**

...
Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondents: Mr. N. R/ Dayma
Advocate for Assist to APP : Mr. Chatterji Joydeep

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 26.03.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No. 369/2025, registered with Chalisgaon City Police Station, District Jalgaon, for the offences punishable under Section 109, 351(3), 238, 3(5) of Bharatiya Nyaya Sanhita, 2023, under Section 4/25 of the Arms Act, under Section 7 of the Criminal Amendment Act, under Section 37(1)(3) of the Maharashtra Police Act.

3. It is reported by son of the victim that his father was once councilor and there was previous rivalry with accused no. 1 Soma on account of removal of encroachment of a pan stall of his friend Bhushan. On that count accused no. 1 is stated to have entertained a grudge. It is also alleged he

has created terror in the vicinity. It is further alleged that on 26.08.2025 at about 11 p.m. Prabhakar was assaulted by Soma along with unknown persons by deadly weapons. During the course of investigation it revealed from the version of the eye witnesses and other witnesses that applicant was accompanying Soma. He not only facilitated the accused no. 1 for committing crime but himself inflicted blows by weapon.

4. Learned counsel Mr. Ghanekar submits that F.I.R. does not spell out applicant's name. The transcript of the video-graph also refers to only accused no. 1. It is submitted that consistently what is surfacing is the involvement of accused no. 1. If the witnesses were knowing the applicant, then they should have specifically identified him. It is submitted that applicant is falsely implicated in this case due to his association with accused no. 1. It is further submitted that the recovery of clothes also do not connect him to the crime.

5. Per contra, learned A.P.P. submits that there are eye witnesses whose narration is consistent and in consonance with the prosecution story. The injury certificate discloses 30 injuries on various parts of the body. There is recovery of weapon. Transcription of CCTV footage connect the applicant with the crime. The applicant has criminal antecedent and this is not a case to enlarge him on bail.

6. Mr. Chatterji, who is assisting the learned A.P.P. would additionally submits that in all five weapons are recovered. The clothes of the applicant were found to be burnt and the conduct of the applicant is suspicious. It is submitted that the offence has been committed in very brutal manner. The victim was first knocked down by the car. The accused persons alighted with deadlier weapons and committed assault. My attention is also adverted to the statement of injured victim recorded on 13.09.2025 disclosing the applicant's role.

7. It transpires from police papers that the enmity was basically between

Prabhakar and accused no. 1 Soma and the grudge was in respect of the removal of encroachment of pan stall of his friend Bhushan. First information report does not spell out applicant's name. Supplementary statement discloses his name. Pertinently, when the injured was being carried to the hospital one Ganesh Chaudhari video graphed the incident and its transcript through pen drive, was available. It also does not show involvement of the applicant. The applicant is resident of that same place. If he was associated with accused no. 1, it is incomprehensible as to why the witnesses are not disclosing involvement of the applicant.

8. Statement of the victim was recorded on 13.09.2025, in which the applicant's name is disclosed. The consequence of the statement, medical evidence and weapon recovery report would be dealt with during the course of trial. It cannot be overlooked that the statement was recorded on 13.09.2025 much after the incident in question.

9. The applicant is arrested on 02.09.2025. Investigation is over. I am of the view that no further detention is necessary. The injury certificate discloses that Prabhakar was assaulted by deadlier weapons. Weapons are also recovered. It has been also disclosed that one more offence is pitted against the applicant. Considering overall circumstances, I am of the considered view that it is not a case to deny bail to the applicant. However, stringent conditions are required to be imposed. I, therefore, pass following order.

10. The Bail Application is allowed.

11. The applicant shall be released on bail in connection with Crime No. 369/2025, registered with Chalisgaon City Police Station, District Jalgaon, for the offences punishable under Section 109, 351(3), 238, 3(5) of Bharatiya Nyaya Sanhita, 2023, under Section 4/25 of Arms Act, under Section 7 of the Criminal Amendment Act, under Section 37(1)(3) of the Maharashtra Police Act. on following conditions:

(a) The applicant shall furnish P.R. bond of Rs. 50,000/- (Rs. Fifty Thousand only) with one solvent surety of like amount.

(b) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(c) The applicant shall furnish his mobile/cell number and address to the investigating officer.

(d) The applicant shall stay away from Chalisgaon Taluka Dist. Jalgaon till conclusion of the trial. Save and except attending the trial shall not enter Chalisgaon.

(e) The applicant shall make himself available for any information required by the investigating officer.

12. Bail application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-