



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

**BAIL APPLICATION NO. 688 OF 2026
WITH
CRIMINAL APPLICATION NO. 1446 OF 2026**

Pravin @ Digambar Babasaheb Kambale,
Age : 29 Years, Occu. : Agril.,
R/o Arangaon, Ahmednagar. .. Applicant

Versus

The State of Maharashtra .. Respondent

Shri Somnath G. Ladda, Advocate for the Applicant.
Shri N. R. Dayma, A.P.P. for the Respondent – State.
Shri M. R. Dusunge, Advocate h/f Shri N. B. Narwade, Advocate
for the Informant – Applicant.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 29TH APRIL, 2026.**

FINAL ORDER :

. Heard both sides.

2. Applicant is seeking enlargement on bail in respect of offence bearing Cr. No. 722/2024 registered with Ahilyanagar Taluka Police Station for the offences punishable U/Sec. 109, 189(2), 191(2), 191(3), 190 of the Bhartiya Nyaya Sanhita, 2023 and Sec. 4 and 25 of the Arms Act, 1959.

3. In pursuance of offence he is arrested on 27.05.2025. Initially the charge sheet was filed on 17.12.2024. Thereafter

supplementary charge sheet was filed.

4. Applicant's earlier attempt to release on bail failed due to the order passed by this Court on 08.12.2025. Due to the subsequent event of enlargement of co-accused on bail, application was filed before the Sessions Court for bail. It was rejected, hence the applicant is before this Court.

5. Learned counsel for the applicant submits that his client is falsely implicated in the offence. One more offence bearing Cr. No. 723/2024 is lodged by one Ujwala Ram Salave against informant and others to counter blast present offence. The injuries on the victim are on non vital parts and those are not life threatening. The injured victims are recovered and leading normal life. The co-accused Deepak Bhima Salve, Kiran Sanjay Kamble, Sahebrao Kondiba Salve and Sumit @ Smit Mahesh Malve have already been released on bail against whom incriminating role was attributed. Other co-accused are also released on bail. Applicant is the only person who is languishing in jail.

6. My attention is adverted to the statements of Aditya Balasaheb Bandal and Abhishek Natha Mohite recorded U/Sec. 183 of the B. N. S. S. to show that even Sumeet Malve and Kiran Kamble were armed with weapon and participated in the offence, but they are released on bail. The recovery is stated to be not inculpatory, perse. The weapons are recovered from the public

place. It is further informed that the charge has also not been framed. The trial is likely to consume considerable period.

7. Per contra, learned A. P. P. would submit that its case of deadlier assault by the applicant along with co-accused forming unlawful assembly. There are three independent eye witnesses besides informant and Manoj @ Dattatraya. It is vehemently submitted that in fact applicant has assaulted informant by sword on his head, the vital part. However, it was intercepted by his hand. The recovery of the weapon at the instance of the applicant is incriminating and shows his involvement.

8. Criminal application filed by the informant is allowed. Additionally, learned counsel representing informant would submit that successive bail application is not tenable. By assigning reasons and on merits earlier bail application was rejected on 08.12.2025 by the Coordinate Bench. The applicant is not entitled to be released on bail on the ground of parity.

9. Applicant has disclosed that his earlier bail application was rejected by the High Court on 08.12.2025. Thereafter, co-accused Kiran Kamble was enlarged on bail by the Coordinate Bench on 14.01.2026. Undisputedly, even the charge has also not been framed by the Trial Court. These circumstances are sufficient to consider the bail application of the applicant. Therefore, the preliminary objection stands over ruled.

10. I have gone through the first information report, the statement of injured witnesses as well as statements recorded U/Sec. 183 of the B. N. S. S. The presence of the applicant at the relevant time cannot be disputed. First information report shows that he was armed with weapon and assaulted the informant, but the nature of the weapon is unclear.

11. The supplementary statement of the informant, the statement of Aditya and Abhishek recorded U/Sec. 183 of the B. N. S. S. and statement of others would indicate that applicant was armed with sword and inflicted injuries. It is relevant to notice that even co-accused Deepak is stated to be armed with sword. Sumeet is stated to have armed with scythe. The co-accused Kiran is stated to have inflicted injuries by scythe. The co-accused Kiran is enlarged on bail by the Coordinate Bench. Similar is the case with co-accused Sumeet as well as Deepak. Under these circumstances, I find that the role attributed to the applicant to the extent of causing injuries by sword is identical.

12. Its a prosecution case that applicant attempted to cause injury on head of the informant, but it landed on the palm. The fact remains that injuries caused to thumb or the palm cannot be said to be vital part of the body. It would be matter of trial to go into the *mens rea* or intention or whether offence would amount to murder.

13. It is tried to be contended by the learned counsel for the

informant that applicant is at loggerhead with the informant and his release would be danger to him and the society. It reveals from record that Cr. No. 723/2024 is filed by one Ujwala against the informant and others. The rivalry between them is apparent. That cannot be an impediment for keeping the present applicant behind bars for any further period.

14. The recovery of weapon at the instance of the applicant cannot be perse incriminating. I have gone through the transcript of CCTV footage. I have already observed that the presence of the applicant and his participation by inflicting the injuries cannot be disputed. The fact remains that there is no point and purpose in keeping the applicant behind the bars. The incarceration is sufficient. I am inclined to grant bail to the applicant. I, therefore, pass following order.

O R D E R

A. The bail application is allowed.

B. Applicant – Pravin @ Digambar Babasaheb Kambale shall be released on bail in respect of Cr. No. 722/2024 registered with Ahilyanagar Taluka Police Station for the offences punishable U/Sec. 109, 189(2), 191(2), 191(3), 190 of the Bhartiya Nyaya Sanhita, 2023 and Sec. 4 and 25 of the Arms Act, 1959 on condition of furnishing P. R. bond and S. B. of Rs. 50,000/- (Rs. Fifty thousands only) with one solvent surety of like amount.

- C. The applicant shall not enter village Bamburdi Bend, Tq. and Dist. Ahilyanagar.
- D. The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.
- E. The applicant shall cooperate in expeditious disposal of trial.
- F. The applicant shall surrender his Aadhar and Pan cards to the investigating officer.
- G. The applicant shall give his mobile/cell number and address to the investigating officer.
- H. Bail application is disposed of.
- I. The Criminal Application No. 1446 of 2026 stands disposed of.

[SHAILESH P. BRAHME J.]

bsb/April 26