



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL BAIL APPLICATION NO. 504 OF 2025

Vijay Sahadev Badhe

Vs.

State of Maharashtra, Thr. PSO, PS, Khamgaon City, Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S. V. Sirpurkar a/w K. R. Giripunje, Advocate for the Applicant.
Mrs. M. H. Deshmukh, APP for the State.

CORAM : M. M. NERLIKAR, J.

DATE : 6th FEBRUARY, 2026.

1. Heard learned counsel for the applicant and the learned APP.
2. The present application is filed seeking regular bail in Crime No.280/2024 for the offence punishable under Sections 302 r/w 34 of the Indian Penal Code, 1860, (IPC), registered with Police Station Khamgaon, Buldhana. Charge-sheet came to be filed and Section 201 of IPC came to be added.
3. The said crime was registered on the basis of information given by Gopal Prakash Soni, who runs a panpatti shop with his father- deceased Prakash Soni at Khamgaon bus stand. It is alleged that on 26.05.2024 at about 10:00 p.m., while the informant was inside the shop and his father was sitting in front, accused Vijay Sahadev Badhe and Vithal Eknath Badhe,

along with two unknown persons, came to the shop and picked up a quarrel with the complainant's father over a past incident. During the quarrel, the accused persons caught hold of the complainant's father, and Vijay Badhe assaulted him with a knife on the chest. Thereafter, all the accused fled towards Shegaon Road. The injured was taken to General Hospital, Khamgaon, where he was declared dead.

4. Learned counsel appearing for the applicant submits that FIR came to be registered by one Gopal Prakash Soni, who is the son of the deceased. It is submitted that the incident occurred on 26.05.2024 at about 10.00 p.m. at Bus Stand on a trifle issue. There is no involvement of the present applicant in the alleged murder of Prakash. On the contrary, the applicant has registered the FIR against Deepak Ajay Karpe and Bharat Prakash Soni, however, in the counter FIR, which is registered by the present applicant, it appears that he has narrated the story that Vitthal who was also present along with the present applicant at the spot, has given the blow with the help of knife on the person of the deceased Prakash. However so far as the FIR registered against the present applicant by Gopal is concerned, it shows that the Vijay Badhe- present applicant, has inflicted the blow on the deceased. He submits that considering

two counter FIRs, it was expected that Investigating Agency ought to have conducted investigation by one and the same Officer. However, two different police officers have conducted the investigation and filed two different charge-sheets in the case, and therefore who is to be believed and who is telling truth is the question. Under such circumstances, it was the duty of the Investigating Officer to bring out the truth. He further submits that very genesis of the crime has been suppressed and therefore, he submits that applicant deserves to be released on bail. He further submits that the applicant is in jail since from 28.05.2024 and therefore, even on the ground of delay in trial, he is entitled for bail.

5. On the other hand, the learned APP vehemently opposed the application and submits that the applicant is the only person who has inflicted the blow on vital part of the deceased and therefore, the FIR is registered against him. She further submits that so far as the other FIR, which was registered by the applicant is concerned, even in that FIR the presence of present applicant as well as Vitthal was shown. And even in counter FIR name of Vitthal and Vijay- present applicant was shown. According to her, even if it is presumed that two different FIRs have been registered, however the fact remains

that both the accused persons i.e., present applicant as well as Vitthal along with the other co-accused were present on the spot. She further submits that in order to take the defense, the present applicant has registered the FIR stating that the Vitthal has inflicted blow. She further submits that so far as the FIR which is registered by the present applicant is concerned, it culminated in to filing of the charge-sheet under Sections 324, 323 r/w 34 of the Indian Penal Code. She further submits that so far as the present case is concerned, there are witnesses to the incident, including independent eye-witnesses. She further submits that the allegations are supported by the post mortem report, wherein in column No.17, the injury was shown as “horizontally placed stab wound present over right side of chest situated 1cm from mid lane” and the cause of death is shown as under:

“Stab injury mentioned in column No.17, 18 along with corresponding damage mentioned in column No.20 is sufficient in the ordinary course of nature to cause death.”

6. Learned APP further submits that from the entire episode it appears present applicant was running from the spot and therefore, he was intercepted by the group of Gopal Prakash

Soni, he was beaten and in that assault he has suffered injuries. There are eye-witnesses to the incident who have stated that the present applicant stabbed deceased, and lastly submits that there is ample material against the applicant and therefore, he may not be released on bail.

7. I have heard the rival submissions of the parties.

8. Admittedly, there are two counter FIRs registered in respect of the same incident. One is registered by Gopal Prakash Soni, who is the son of the deceased, and another is registered by the present applicant. So far as the FIR which was registered against the present applicant is concerned, in that FIR it was stated that he has given the blow with the help of khukari on the chest of the deceased. To support this contention, there is post mortem report, which shows that the cause of death was due to stab injury mentioned in column No.17, 18 along with corresponding damage mentioned in column No.20 is sufficient in the ordinary course of nature. It further appears that there are eye-witnesses, to the incident who are independent persons, present at the relevant time at the bus stand. However, the fact remains that the present applicant has also lodged another FIR, wherein he has alleged that Vitthal has inflicted blow on the deceased Prakash. It is to

be noted that Vitthal is the newpnew of present applicant. However, there is no investigation on this aspect. Therefore, one thing is clear that the prosecution has tried to suppress the true genesis of the crime. In fact, it was expected that when two counter FIRs are registered in respect of the same incident, then truth should come forward. On one hand the present applicant alleges that Vitthal has inflicted the blow, on the other hand Gopal-son of the deceased alleges that the present applicant has inflicted the blow. Though there are independent witnesses who states that present applicant has given the blow, however, there is no investigation on the point that whether Vitthal has given blow to Prakash. It is also to be noted that from the post mortem report, it appears that one injury was inflicted on the deceased Prakash.

9. Considering the above observations and that the present applicant is behind bar since 28.05.2024, this Court has called the status report of the trial Court, wherein it appears that the charges were framed on 27.01.2025, however, till today not a single witness is examined and further it appears that though it was posted for leading the evidence, till date evidence programme has not been submitted by the prosecution. Considering this fact, I am of the opinion that though prima

facie there are allegations against the applicant, however, the present applicant cannot be kept behind bar for indefinite period. In this view of the matter, following order is passed:

ORDER

- (i) The Criminal Application is **allowed**;
- (ii) The applicant/accused (Vijay Sahadev Badhe) be released on regular bail in connection with Crime No.280/2024 registered with Police Station Khamgoan, Buldhana for the offence punishable under Sections 302, 201 r/w 34 of the Indian Penal Code, 1860, (IPC), on his furnishing a P.R. bond of Rs.50,000/- (Fifty Thousand Rupees) with two solvent surities in the like amount;
- (iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence;
- (iv) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency;
- (v) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for one date, or fails to comply with the

aforesaid conditions, his default would entail the State to ask for cancellation of bail;

(vi) Pending Misc. Application(s), if any, also stand disposed of.

(M. M. NERLIKAR, J.)

MJ Jadhav