



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

CRIMINAL APPLICATION [B.A.] NO. 1406 OF 2025

Anil S/o Baliram Ale

-- VERSUS --

State of Maharashtra

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

Court's or Judge's orders.

Mr. A.C. Jaltare, Advocate for the Applicant.

Ms. S.Z. Haider, A.P.P. for the Non-applicant / State.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 09, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.100/2025 for the offences punishable under Sections 109(1), 126(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), and Sections 4 and 25 of the Arms Act, 1959, registered with Police Station Saoli, District Chandrapur.

3. The victim has alleged in the First Information Report that on 01/06/2025 around 07:30 p.m., when he along with his nephew were returning home on the bike, one person namely Kunal Ale along with present applicant attacked him with a sword. He was then pulled down from the motorcycle by the present applicant and again Kunal Ale tried to attack him which he shielded with his

hands. Due to which he sustained many injuries. It is also alleged that Kunal Ale and the present applicant had a dispute with the victim relating to partition of agricultural field. Based on the aforesaid allegations, F.I.R. dated 01/06/2025 came to be lodged.

4. The learned counsel appearing for the applicant submits that the applicant has played very limited role only to the extent of pulling the injured from the motorcycle, due to which the informant and his nephew fell down, except this there is no other allegation against him. All the allegations are against Kunal, who is the son of the present applicant. He submits that the applicant was arrested on 02/06/2025 and since then he is behind bar. Now the charge-sheet is filed on 02/08/2025. There is nothing to be recovered at the behest of applicant as the investigation is over. Therefore, he is entitled for regular bail.

5. On the other hand, the learned A.P.P. submits that the common intention has to be considered though his role is limited. Merely, because he played a limited role in assault it will not absolve the applicant from Section 3(5) of the BNS. She further submits that there are three grievous injuries on Naresh Ale. As both the accused has committed the offence in furtherance of their common intention, the role cannot be bifurcated or

separated. Lastly, it was submitted that considering the material collected during the investigation, the applicant does not deserves to be enlarged on bail.

6. Upon hearing the learned counsel for the applicant and the learned A.P.P., it appears that admittedly on 01/06/2025, when the informant & injured – Naresh was going on bike along with his nephew – Aryan, at that time, at about 07:30 p.m. both the accused persons obstructed the path of informant. The allegations are that Kunal has assaulted with the help of sword which has caused grievous injury on the Occipito temporal part of head, second injury is also grievous on the palmar aspect of left hand and the third injury is also grievous which is inflicted on medial aspect of forearm. All these three injuries are inflicted by Kunal Ale on Naresh Ale. However, the fact remains that the role attributed to the present applicant is only to the extent of pulling the informant from the motorcycle due to which the informant and his nephew fell down. Therefore, considering the above facts and circumstances and the limited role played by the applicant and the fact that the accused was arrested on 02/06/2025, the investigation is complete and the charge-sheet was filed on 02/08/2025, I am inclined to grant bail.

7. The observations of this Court are *prima facie* in nature. The Trial Court shall not be

influenced by the observations of this Court and the observations are restricted to this bail application only. In this view of the matter, following order is passed:-

ORDER

- (i) The Criminal Application is **allowed**;
- (ii) The applicant/accused (Anil s/o Baliram Ale) be released on regular bail in connection with Crime No.100/2025 registered with Saoli Police Station, District Chandrapur, for the offences punishable under Sections 109(1), 126(20 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), and Sections 4 and 25 of the Arms Act, 1959, on his furnishing a P.R. bond of Rs.50,000/- with two sureties in the like amount;
- (iii) The applicant shall not enter within the territorial jurisdiction of village Chargaon;
- (iv) 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;
- (v) 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;

(vi) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN