

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO.238 OF 2026

Rajesh Ramrao Kale

..vs..

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

 Shri A.S. Mardikar, Senior Counsel a/b Shri R.A. Mardikar
 Advocate for the applicant.
 Ms T.H. Udeshi, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 17.03.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.49 of 2026 registered with Nandura Police Station, District Buldana for the offence punishable under Sections 109,118(1), 296, 352, 351(2), 351(3), 49 and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The allegations are that there was some dispute among the villagers over E-class land situated in village Malegaon Gond of Nandura Taluka. The applicant and co-accused instigated the villagers by sending message on Whatsapp group of the village stating that if anyone wants to plough the E-class land, they are ready to provide their tractor. On 31.01.2026 at about 10:15 a.m. when the informant and others went to the said land, they found that the applicant and co-accused Wasudev ploughing it and when they were asked by the villagers, the applicant and co-accused abused and threatened to kill them if anyone comes in their way. It is also alleged

that the applicant took stapling of the tractor and co-accused took axe and tried to assault the informant and villagers. However, informant avoided it which resulted into the injury on his chin and therefore the report.

4. Learned Senior Counsel for the applicant submits that the FIR is only the counter blast to the report lodged by the wife of co-accused Wasudev against one Amol Bathe and others. It is also submitted that the injury caused to the informant is simple in nature however serious offence under Section 307 was registered against the applicant. Only on the instigation of the villagers, the alleged incident took place. It is submitted that though the charge-sheet is not filed however the applicant is ready to abide by all the conditions, which would be imposed by this Court, if the applicant released on bail.

5. Learned Senior Counsel further submitted that so far as the brother of the applicant Wasudeo is concerned, he has applied for anticipatory bail before this Court by filing an application bearing Criminal Application No.148 of 2026, which came to be allowed vide order dated 25.02.2026.

6. On the other hand, learned APP vehemently opposes the application on the ground that the investigation is going on. It is also submitted that the applicant and his brother were cultivating E-class land at the time of incident, which is not permissible and therefore, villagers tried to interfere and the said incident has taken place. Learned APP further submits that the applicant tried to give a on the head however as the

informant avoided it the same caused injury to his chin. Though the injury is simple in nature, however, Section 307 is attracted considering the attempt of the applicant to hit the informant on the head.

7. I have heard the rival submissions and perused the record. It appears that wife of co-accused (brother of the applicant) has lodged the report against some of the villagers to which as a counter blast present FIR has been lodged against the applicant. There appears to be a dispute in between the villagers and the applicant due to which there was a scuffle on 31.01.2026. In the said scuffle, the informant got injured, however medical report shows that the injury is simple in nature. Considering the nature of allegation and since the applicant is in jail from 31.01.2026, I am inclined to enlarge the applicant on bail. Hence the following order :

- (a) The application is allowed.
- (b) The applicant Rajesh Ramrao Kale in connection with Crime No.49 of 2026 registered with Nandura Police Station, District Buldana be released on bail on furnishing P.R. bond of Rs.50,000/- with one or two sureties in the like amount.
- (c) The applicant 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.
- (d) 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.

- (e) The applicant shall not enter within the territorial jurisdiction of Malegaon-Gond, Tq. Nandura, District Buldana till the filing of the charge-sheet.
 - (f) The applicant shall not commit any similar type of offence.
 - (g) The accused shall attend the concerned Police Station once in a week between 10:00 a.m. to 2:00 p.m. If he fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
8. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .
9. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)

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