



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

CRIMINAL APPLICATION [BA] NO.492 OF 2026.

1.Jeevansingh Zamsingh Solanke.

2.Sopal Digambar Solanke.

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri D.S. Sirpurkar, Advocate for Applicants.

Ms T. Udeshi, A.P.P. for the Non-applicant/State.

Shri A.C. Dharmadhikari, Advocate Assisting Prosecution.

CORAM : M.M. NERLIKAR, J.

DATE : JUNE 10, 2026.

Heard.

2. Applicants came to be arrested in connection with Crime No.292/2025 registered with Tamgaon Police Station, District Buldhana for the offence punishable under Sections 189[2], 189[4], 191[2], 191[3], 190, 103[1], 118[1], 333 and 351[3] of the Bharatiya Nyaya Sanhita, 2023 (BNS). Charge sheet came to be filed and Sections 251[3], 61[2], 49, 118[2], 324[6] of the BNS and Section 135 of Maharashtra Police Act

came to be added.

3. The first information report was lodged by one Prajwal Subhash Mohe, alleging that on 27.08.2025 his nephew – Santosh called him and informed that accused persons entered his house and asked as to why he is not withdrawing the case lodged against them, and assaulted him and his wife. That on 28.08.2025 the applicants' party again went to the house of Vaibhav – another nephew of the informant and assaulted the informant and others with the help of iron rods and sharp weapon like knife due to old dispute between them, wherein brother of the informant Rushikesh lost his life.

4. The learned Counsel for applicants submits that initially on 27.08.2025 the applicant's party have assaulted one Santosh and his family and on the second day i.e. on 28.08.2025, again applicants' party went to the house of the informant's nephew – Vaibhav and assaulted the members of the informant's side and therefore, the FIR came to be lodged. The contents of the FIR demonstrates that so far as the case of applicant no.1 is concerned, he has given blow to Samadhan

with rear part of iron sphere. So far as applicant no.2 Sopan is concerned, he has not participated in the incident, nor he was present at the time of incident. It is submitted that so far injuries to Samadhan is concerned, in the discharge summary annexed to the charge sheet, fracture to his hand is shown. If the first information and statements are perused, the only role attributed to applicant no.1 is that he has used rear part of iron sphere, where as Mangalsingh another co-accused has used iron sphere, who has been granted bail, and therefore, applicants are claiming parity. The learned Counsel further submits that applicant no.1 has also sustained injuries in this incident. Hence, applicants be released on bail.

4. On the other hand the learned A.P.P. and learned Counsel assisting prosecution vehemently opposed the application on the ground that the applicant's party formed an unlawful assembly with a common object and went to the house of the informant's relative along with weapons and assaulted the informant and other persons. There were 12 accused persons who were named in the first information report, and specific role was also attributed to them. So far as

the role of the present applicants are concerned, their role cannot be bifurcated for grant of bail. The applicant's party have trespassed and it is not a case that the incident occurred in the spur of moment and that it was a free fight between both the groups. They submit that the applicant no.1 has actively participated in the incident. The role of applicant no.1 is that he has used rear part of sphere and inflicted blows to the hand of Samadhan, which resulted into a fracture. My attention is invited to statement of Samadhan, wherein he has stated that applicant no.1 has inflicted blow with the help of rear part of iron sphere. They submit that so far as grant of bail to Mangalsingh is concerned, it is completely on different footing. Mangalsingh assaulted Vaibhav but, those injuries are simple in nature. So far as the present applicants are concerned, applicant no.1 has assaulted Samadhan, which has caused fracture to his hand, which is a grievous injury, and therefore, both Counsel submit that there is vital difference between the role played by Mangalsingh and present applicant. There is serious allegation of murder against therefore, prayed to reject the application of the applicants.

5. I have considered the rival submissions and perused the record. It appears that there was an unlawful assembly formed by the applicants' party with a common object. They went to the house of informant's relative along with sharp weapons. There was an old dispute between both the group. At the time of incident there were 12 accused persons who assaulted the informant and other persons, in which one person namely Rushikesh Mohe died. However, in the entire episode no specific role is attributed to the present applicants regarding assault to the deceased. It prima facie appears that the applicant no.1 has assaulted Samadhan. Samadhan was also assaulted by Mangalsingh and Vaibhav Solanke. So far as Vaibhav Solanke is concerned, he has used iron rod. No doubt, the injury caused to Samadhan is a fracture injury, which can be classified as grievous injury. This Court has already released Mangalsingh on bail, therefore, the role alleged against the applicant is similar to Mangalsingh. So far as the role of applicant no.2 is concerned, he was neither present on the spot, nor there are allegations against him. However, as was argued by the learned Counsel for the non-

applicant State and informant, that he is the main. However, the fact remains that he was neither present on the spot, nor there are allegations against him about participating in the alleged incident of assault. Therefore, considering the earlier order passed by this Court in Criminal Application No.172/2026 dated 26.03.2026, in my opinion this is a fit case to grant bail to the applicants, hence the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) Applicant no.1 – Jeevansingh Zamsingh Solanke and applicant no.2 – Sopan Digambar Solanke be released on regular bail in connection with Crime No.292/2025 registered with Tamgaon Police Station, District Buldhana for the offence punishable under Sections 189[2], 189[4], 191[2], 191[3], 190, 103[1], 118[1], 333, 351[3], 251[3], 61[2], 49, 118[2] and 324[6] of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 135 of Maharashtra Police Act on their furnishing P.R. Bond of Rs.50,000/- each with two sureties in the like amount.

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- (iii) The accused shall not enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.
- (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 their residential address and cell number to Police Station concerned and shall not change their place of residence without prior intimation to the Investigating Agency.
- (vi) The accused shall attend each and every date of trial regularly. If they fail to attend the trial for one single date, or fail to comply with the aforesaid conditions, their default would entail the State to ask for cancellation of bail.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE