

MHBU040001162026



**Order below Exh.7**  
(Passed on 12.3.2026)

1. Present application has been preferred by applicant/accused No.2 Shubham s/o Ramesh Tade, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for regular bail, in connection with Crime No.490/2025 registered with police station Jalgaon Jamod for the offences punishable under sections 103(1) r/w Sec.3(5) of the Bharatiya Nyaya Sanhita, 2023.
  
2. Investigating officer and learned APP Mr.P.T. Lahudkar have resisted the application by filing say below Exh.11 & 13 respectively. It is contended that applicant/accused along with other co-accused have played active role in commission of murder of Amol Hiranman Hissal. There is direct evidence against the accused persons and postmortem report is supporting to the prosecution. It is contended that if accused released on bail then he will pressurize the complainant and witnesses from deposing before the Court. Hence, requested to reject the application.

3. The original complainant through learned advocate Mr.D.R. Sathe filed objection petition below Exh.12 in the line of FIR and the say of prosecution. Hence, he requested to reject the application.

4. Learned Advocate Mr.Dildar Khan, on behalf of applicant/accused has submitted that as per FIR the role of applicant is only to the extent of kick and fist blow to the deceased. He submitted that the role of applicant may be attract to the extent of Section 115(2) of BNS 2023. He further submitted that at the most prosecution case comes under 105 of BNS 2023. He submitted that applicant is behind the bar since 22.10.2025. He submitted that applicant/accused is ready to abide by all the terms and conditions of bail if he released on bail. Considering all these aspects, prayed for releasing the applicant/accused on regular bail.

He relied upon the following authorities :-

[1] **Mahadeo Pralhad Dhatrak and Anr. V/s. State of Maharashtra, Criminal Application (BA) No.1105/2023**, in which the Hon'ble Bombay High Bench at Nagpur, while releasing the accused on bail for the offence punishable u/s 302, 307, 324, 294, 323, 427, 506 r/w Section 34 of IPC has observed that "the eye witnesses Pawan Gajanan Yeoul has specifically stated that

present applicants have caught hold the deceased and thereafter, the co-accused have given a blow by knife on the person of the deceased. Thus, the role attributed to the present applicants is to the extent of assault by the fist and kick blows and also catching hold the deceased.”

[2] **Vikas @ Nana Kisan Malgunde V/s. State of Maharashtra, Bail Application No.617 of 2019**, in which the Hon’ble Bombay High Court Bench at Nagpur while releasing the accused on bail for the offence punishable u/s 302 of the IPC has observed that “in that view of matter, complainant from his statements involved applicant only by assault of kick blows and fist blows. Considering the injuries sustained by the deceased, none of them can be possible by kick blows or fist blows.”

[3] **Vishwas Pandurang Sayawankar V/s. State of Maharashtra, Criminal application (BA) No.35 of 2022**, in which the Hon’ble Bombay High Court Bench at Nagpur while releasing the accused on bail for the offence punishable u/s 302 of IPC observed that “the factum of there be a single blow and the factual position in which it was administered, may indicate that the matter may for under Part II of Section 304 of the IPC, however, this is merely a prima facie view for the purpose of dealing with the bail application.”

5. Learned APP Mr.PT. Lahudkar argued as per say Exh.11 & 13 respectively and urged to reject the application.

6. Learned advocate Mr.D.R. Sathe argued as per say Exh.12 and urged to reject the application.

7. I have considered the submission of both side. Perused the application, say filed by the prosecution as well as complainant, charge sheet and documents on record. Also perused the authorities cited by the applicant/accused.

8. After perusal of charge sheet, it shows that complainant Vinay Hiranman Hissal, Resident of Ruplal Nagar, Jalgaon Jamod has lodged the report on 22/10/2025 at Jalgaon Jamod Police Station against total three accused in which applicant is accused No.2. It is alleged that, on 20/10/2025 he along with his brother Atul Hissal and Amol Hissal had been to their house at Jalgaon Jamod from Pune for Diwali. It is alleged that, on 21/10/2025 at about 8:30 a.m. complainant and cousin brother Aashish Dhage were present near Gajanan Maharaj Temple at Jalgaon Jamod. At that time, his cousin sister Swati Hissal made him phone call and stated that, accused Yogesh Tade and his friend were beating to Amol Hissal. Therefore, complainant along with his brother Aashish Dhage went to the Ayodhya Nagar, Jalgaon Jamod. They

saw that, accused No. 1 Yogesh Tade by holding the head of Amol Hissal was hitting it on the ota in front of house of Sonaji Tade and accused No. 2 Shubham Tade and accused No. 3 Dnyaneshwar Kothalkar were beating Amol by kicks and fist-blows on his chest, back and head. Therefore, complainant has released the quarrel and asked his brother Amol about the incident. Amol told him when he was standing near the Peepal tree at Ayodhya Nagar, accused Yogesh Tade and Shubham Tade have thrown the fire cracker on his person. Due to it there was quarrel taken place between them. Hence, Yogesh Tade, Shubham Tade have beaten him on his chest, back and head by kick and fist-blows. At that time, accused No. 3 Dnyaneshwar Kothalkar came there and he also beaten him by kick and fist-blows on his chest, back and head. Accused Dnyaneshwar by screwdriver beaten him on his forehead. Thereafter, he went to the house of Bebi Hissal. Thereafter, he went to the Ayodhya Nagar near the Peepal tree. When complainant was carrying to his brother Amol by his motorcycle towards house, near the Rana Bar, Amol fallen down. Therefore, he immediately taken him to the Rural Hospital Jalgaon Jamod, Doctor declared him dead. There is complicity of accused in serious offence.

9. I have respect to the observation of the Hon'ble Bombay High Court Bench at Nagpur in above cited cases supra by the

applicant, but it is not helpful to them because facts are not identical. After perusal of charge sheet, it shows that there is sufficient evidence against the accused. Alleged offence is serious offence. Accused, complainant and prosecution witnesses are resident of same locality therefore, if he released on bail then he will pressurize the witnesses. Therefore, I am not inclined to release the applicant/accused on bail. Hence, application deserves to be rejected. In result I pass the following order :-

**ORDER**

1] Application Exh.07 stands rejected.

Date : 12.3.2026

**(G.B.Jadhav)**  
Addl.Sessions Judge, Khamgaon.

Certificate

I certify that this order PDF uploaded is a true and correct copy of original signed order.

Name of Steno : Mrs. Nishat Anjum Mohd. Rafique.

Name of Court : Addl. Sessions Judge, Khamgaon, Dist. Buldana.