

MHJN010001042026



ORDER BELOW EXH.7 IN SESSIONS CASE NO.05 OF 2026

[Ajay Salve and Another Vs. State]

1. Applicants-accused Ajay Anil Salve and Anil Panditrao Salve, arrested by the Kadim Jalna police station in an offence registered against them at CR No.198/2024 of the offences punishable under sections 302, 307, 323, 143, 147, 148, 149 of the Indian Penal Code, has filed this application for bail.
2. Perused application and say filed by the prosecution. Heard, Adv.H.T.Kakade, the learned Advocate for applicant-accused and learned APP Shri.B.K.Khandekar for the State.
3. The First Information Report is lodged by the injured named Aatish Dipak Jadhav on 27/05/2024 while he was admitted in the ICU of the Civil Hospital at Jalna. He states that on 26/05/2024 he and his cousin brother Ventakesh had gone near the Haldi ceremony in the Shastri Mohalla. Applicant-accused no.1 had slapped him. When he had questioned accused no.1, accused no.1 had told the injured to leave the place. While the injured and Ventakesh were leaving

applicant-accused no.2 had reached the spot. Applicant-accused no.2 had pelted a stone towards the injured and it hit him on his head from behind. Venkatesh had questioned the accused why they were assaulting. Applicant-accused had pelted stones towards Venkatesh. The other accused had reached the spot and they had assaulted Venkatesh by means of fist and kick blows. Venkatesh fell down and applicant-accused no.1 had assaulted him by means of an iron rod and applicant-accused no.2 had assaulted him by means of wooden rod on his hands and head. Applicant-accused no.1 had assaulted the injured by means of iron rod on his left leg and head. Mahendra Jadhav had reached the spot. He had carried the injured on the motorcycle. He had left the injured on the way and went back to bring Venkatesh. The injured could hear the shouts and therefore he had again gone to the spot. He saw that applicant-accused were assaulting Mahendra Jadhav. The injured had phoned his maternal uncle. The mother and sister of Venkatesh had also reached the spot. The injured were carried to the hospital. Venkatesh had succumbed to the injuries caused to him in the incident.

4. Adv.H.T.Kakade, the learned Advocate for the applicants-accused submits that this is the second application for bail filed by the

applicant-accused. The previous bail application was filed prior to filing of the chargesheet and it was rejected. The learned Advocate submits that the investigation is now complete and the chargesheet is filed. He submits that the offence u/s. 302 of the Indian Penal Code is not made out prima-facie. Admittedly, a Haldi ceremony was to take place in the Shastri Mohalla. The injured and deceased are not residents of the said Mohalla. They had gone there uninvited. The incident is alleged to have taken place suddenly. It is argued that it was not premeditated. Deceased and injured were even not known to the accused. The learned Advocate submits that a mob had gathered and fight had taken place. There is only a single head injury on the head of the injured. He therefore submits that this is not a case where accused deserve to be detained behind the bars through out the trial. He submits that they be granted bail. The learned Advocate also submits that applicant-accused no.2 is suffering from Cancer. He requires good treatment. Therefore also applicant-accused be released on bail.

5. Per contra, the learned APP submits that there are two injured and one deceased in this matter. There is sufficient evidence about the involvement of the accused persons. They have assaulted the injured by

means of swords, Axes, iron rods, stones and the sticks. Considering the nature of injuries, it can be said that applicant-accused have assaulted the injured with the intention to murder. He submits that the deceased has died due to the head injuries. Applicant-accused have assaulted the deceased, the injured and one Mahesh Jadhav by means of iron rods and wooden rods. He submits that considering the grave and serious nature of the offence applicants-accused do not deserve bail.

6. I have already reproduced the First Information Report which is lodged by one of the injured and what can be said is that the applicants-accused are involved in grave and serious offence. If the First Information Report is to be believed, they have assaulted the deceased, the injured and one Mahesh Jadhav by means of an iron rod and wooden rods. The deceased seems to have died at the spot itself. The circumstances in which the offence has taken place, I would not agree with the learned Advocate for the accused when he submits that the incident was not premeditated and that applicant-accused had no intention to kill the deceased or the other persons. The manner in which they have assaulted and the weapons which they have used, show their intention was that they were inclined to cause the death.

Therefore if the facts of the case are considered it can be said that the offence is grave and serious in nature.

7. However, it requires to be noted here that the applicant-accused are arrested on 27/05/2024 and since then they are in jail. There are in all twelve accused arraigned in this matter. Out of these twelve accused, the chargesheet is filed against eight accused. Six accused are granted bail by my learned predecessor. However, accused nos.3, 4 and 7 are absent since the chargesheet is committed to this Court. The non-bailable warrant is therefore issued against the said accused on 28/01/2026. Though the warrants are issued repeatedly almost on each date and warrants against the accused are issued as many as eight times, there is not a single report received from the police station. As far as, the absconding accused against whom the chargesheet is not filed are concerned, the learned Advocate for applicant-accused submits that three of them are granted interim protection from arrest. Their applications for anticipatory bail are pending.

8. Thus, what can be said is that almost two years will be completed since the accused are arrested and there is no progress in the matter. Though the police station is informed from time to time to see that accused nos.3, 4 and 7 are either arrested or some report is

filed, the police station has not filed any report. In such circumstances, the matter cannot be proceeded. Unless the attendance of accused nos.3, 4 and 7 is secured or they are declared as proclaimed offenders the matter cannot be proceeded with. Unfortunately, the police machinery is not taking any steps in that regard.

9. Applicant-accused are in jail since two years and the matter is at stand still. Adv.Kakade submits that applicant-accused no.2 is suffering from Cancer. However, there are no medical papers to that effect. However, the fact remains that applicant-accused no.2 was not well in the jail and he was therefore shifted to Mumbai. He was in a Byculla Jail from 08/01/2026 to 14/03/2026 and was provided the medical treatment in the J.J.Hospital at Mumbai. In the entire circumstances, I am of the opinion that the trial in this matter shall not proceed immediately. Detaining applicants in the jail for an indefinite period would amount to pre-trial punishment. I am therefore of the opinion that applicants-accused should be granted bail on certain terms and conditions. Hence, the order.

ORDER

1. Application is allowed.

2. Applicants-accused Ajay Anil Salve and Anil Panditrao

Salve be released on executing bail bond in the sum of Rs.50,000/- each with one or more sureties of like amount or cash security of same amount in connection with Crime No.198/2024, registered with Kadim Jalna Police Station, on following conditions.

(a) Applicants-accused shall attend the Court on each and every date.

(b) Applicants-accused shall not tamper with the prosecution witnesses.

(c) Applicants-accused shall not leave jurisdiction of this Court, without prior permission.

(d) Applicants-accused should not contact the informant in any manner whatsoever.

(e) Applicants-accused should not enter into the locality where the informant stays.

3) Prosecution is at liberty to apply for cancellation of bail, if any of the conditions breached by the applicants-accused.

4) Intimate concerned police station, accordingly.

Date : 01/04/2026

(V.M.Mohite)
Sessions Judge,
Jalna.

C E R T I F I C A T E

I affirm that the contents of this PDF file are word to word as per original order.

Name of Steno - A. P. Deshmukh

Name of the Court - Principal District & Sessions Court, Jalna.

Date :- 02/04/2025.

Sd/-

Stenographer Grade-1