



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 97 OF 2025

Pawan s/o Vitthal Chormale

Age : 21 years, Occupation : Education,

R/o: Plot No. 21, Laxmi Colony,

Satara Parisar, Dist. Aurangabad.

... Applicant

Versus

1. The State of Maharashtra,
Through Superintendent of Police,
Dist. Chhatrapati Sambhajinagar.

2. The Police Inspector,
Jawahar Nagar Police Station,
Dist. Chhatrapati Sambhajinagar.

... Respondents

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Mr. Yogesh G. Birajdar, Advocate for the Applicant.

Mr. V. M. Jaware, APP for Respondent Nos. 1 and 2-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 27.02.2025

Pronounced on : 28.02.2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in crime no. 1 of 2025 registered at Jawahar Nagar Police Station, District Chhatrapati Sambhajinagar for offences under Sections 352, 3(5) 189(4), 189(2), 126(2), 118(2), 118(1), 115(2), 109 of the Bharatiya Nyaya Sanhita (BNS).

2. Pointing to the date of arrest of applicant in above crime to be 03.01.2025, it is submitted that, applicant is firstly not named. That, no specific role is attributed to him and main allegations are against Suraj. That, subsequently applicant is roped in. Resultantly, according to learned counsel, when there is no overt act, nor any allegation of use of any article, nothing is thus to be recovered from him and therefore, his further detention is unnecessary. Learned counsel therefore prays for relief of bail. He submits that applicant is ready to abide any conditions imposed by the Court.

3. Learned APP strongly opposed on the ground that, offence of attempt to murder and causing grievous injuries is reported in above crime. According to learned APP, CCTV footage shows applicant's presence, but with main accused Suraj. According to him, investigation is still incomplete and hence, he opposed bail.

4. Heard. Perused the FIR dated 01.01.2025. Informant Sagar has reported that, when he and his friends were dining at Banjara Hotel in Seven Hills area, Suraj Gaikwad and one unknown person sitting at the adjoining table questioned informant for staring at them and hurled abuses. It is alleged that, initially slaps and fist blows were

given but subsequently one of them hit chair on the face of informant's cousin, namely Jivan. When they came out of the hotel, it is alleged that hotel owner Ganesh, his friend Dinesh and two waiters of the hotel caught hold of the informant and his friends, whereas Suraj and his unknown companion called their friends, and while informant and his friends were about to flee, they were chased and informant has alleged that, Suraj stabbed by knife in the back of informant and his brother Jivan.

5. Learned APP has opposed on the ground that there is CCTV footage showing presence of applicant. However, on court query as to whether test identification (TI) parade has been conducted for fixing identity, learned APP could not satisfy this Court. Main assailant Suraj was said to be accompanied by one person initially, and subsequently, in another occurrence which allegedly took place outside the hotel, again there are allegations that Suraj and unknown person called their friends and thereafter, informant and his friends were given chase by Suraj, Ganesh, Dinesh and some unknown persons. Apparently, thus, identity of unknown person is not fixed by conducting TI parade, at least till this date. Only on such count, though there is CCTV footage of applicant to be present at the hotel where initial incident took place, when identity of other unknown

persons is not established and as applicant is not named specifically, nor any role being attributed to him, relief as prayed deserves to be granted. Hence, I proceed to pass the following order :

ORDER

- I. The application is allowed.
- II. Applicant Pawan s/o Vitthal Chormale be released on bail in connection with Crime No. 1 of 2025 registered at Jawahar Nagar Police Station, District Chhatrapati Sambhajanagar, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on following conditions :
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Friday between 11.00 a.m. to 2.00 p.m. and maintain personal diary of his such attendance till committal of the case, and thereafter attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]

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