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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.130 OF 2025

WITH

CRIMINAL APPLICATION NO.800 OF 2025 IN BA/130/2025

Sushilkumar S/o Vishwanath Dhawale,
Age – 36, Occu.: Labour & Agri.,
R/o. Dongargaon, Tq. Loha,
Dist. Nanded.

... Applicant

Versus

1. State of Maharashtra
Through its Secretary,
Home Department,
Mantralaya, Mumbai-32

2. The Superintendent of Police,
Nanded, District Nanded,
Through, Loha Police Station,
Loha, District Nanded.

... Respondents

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Mr. N.S. Kadarale, Advocate for Applicant
Mr. C.V. Bhadane, APP for Respondents – State
Mr. Suniket A. Kulkarni, Advocate for Informant

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 06 MARCH 2025

PER COURT :-

1. Applicant seeks grant of bail on account of his arrest in Crime No.0431 of 2024, registered at Loha Police Station, District Nanded for offences punishable under Sections 105, 288, 3(5) of the Bharatiya Nyaya Sanhita (BNS) and under Sections 9(B)1(B), 9(B)3© of the Explosive Substance Act, 1884 and under Section 3 and 4 of the Explosive Substance Act, 1908.

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2. Criminal Application No.800 of 2025 is filed by the informant and he seeks permission to assist Public Prosecutor. Permission is granted. Criminal Application No.800 of 2025 is allowed.

3. Learned counsel for the applicant submits that, applicant is arrested in above crime on 24.12.2024. That, there is false implication. That, he is mere contractor. That, he has nothing to do with the alleged detonators, which are said to be explosive. He submitted that, he was only awarded contract of digging. That, he was not planting or fixing the detonators for blasting. He further submitted that, applicant is behind bars since December 2024. That, when nothing is further shown to be recovered or discovered at the instance of applicant, and he is ready to abide all and any conditions imposed by this Court, learned counsel seeks grant of regular bail.

4. Learned APP as well as learned counsel for informant opposed the bail application. Learned APP pointed out that, there was use of explosive substance for illegal operation. That, report of explosive substance is yet awaited, and as investigation is still in progress, learned APP seeks rejection of the application.

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5. After considering the above submissions, and on going through the FIR dated 23.12.20224 at the instance of one Chayabai. Crime seems to have been registered against in all four known persons and two unknown persons for above offences. Learned APP concedes that, role of the applicant is of digging. As regards to possessions of explosive substance, such allegations are attributed to other accused. Therefore, considering the nature of accusations, and when nothing is shown to be recovered or discovered at the instance of applicant, no purpose would be served by further detention of the applicant. The apprehension expressed by the learned APP about misuse of liberty can be dealt with by imposing a condition to not to leave the jurisdiction of concerned police station. Resultantly, relief deserves to be granted. Hence, the following order.

ORDER

- (i) Application is allowed.
- (ii) Applicant Sushilkumar S/o Vishwanath Dhawale, be released on bail in connection with Crime No.0431 of 2024, registered at Loha Police Station, District Nanded on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:

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- [a] The applicant shall not tamper prosecution evidence.
- [b] The applicant shall not leave the area of jurisdiction of Loha Police Station, District Nanded, till conclusion of trial.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane