



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 35 OF 2025

Harish s/o Rupesh Jondhale,
Age : 19 years, Occupation Labour,
R/o: Tehara Nagar, Nanded.

... Applicant

Versus

The State of Maharashtra
(At the instance of Itwara
Police Station, Nanded)

... Respondent

WITH
CRIMINAL APPLICATION NO. 287 OF 2025
IN
BAIL APPLICATION NO. 35 OF 2025

Abhimanyu Puranlal Mandale Yadav
Aged 28 years, Occupation Business,
R/o. Near Dhoot Niwas, Sarafa,
Nanded, Taluka and District Nanded.

... Applicant
[Orig. Complainant]

Versus

1. The State of Maharashtra,
through the Police Inspector,
CIDCO Itwara Police Station,
Nanded.
2. Harish Rupesh Jondhale
Aged 25 years, Occupation Labour,
R/o. Gayatri Nagar, Ramghat,
Nanded.

... Respondents

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Mr. Abhaysinh K. Bhosle, Advocate for the Applicant in Bail
Application No. 35 of 2025.
Mr. C. V. Bhadane, APP for Respondent State in both applications.
Mr. Nileshsingh J. Patil, Advocate for the Applicant in Criminal
Application No. 287 of 2025
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 02.04.2025

Pronounced on : 08.04.2025

ORDER :

1. Criminal Application No. 287 of 2025 is at the instance of original informant, seeking permission to assist learned APP in prosecuting the present bail application. In view of the reasons mentioned in the application, the applicant/informant is allowed to assist APP. Criminal Application No. 287 of 2025 is accordingly disposed off.

2. Applicant in Bail Application No. 35 of 2025 seeks grant of regular bail on account of his arrest in crime no. 0345 of 2023 registered at Itwara Police Station, District Nanded for offences punishable under Sections 302, 307, 120(B), 294, 201, 387, 504, 506, 143, 147, 148, 149 of IPC, Sections 4/25, 4/27 of the Arms Act and Section 135 of the Maharashtra Police Act.

3. Pointing to the date of arrest of applicant as 23.11.2023, it is submitted that applicant is behind bars since almost one and half years. That, applicant is arraigned as accused no. 13. There are

allegations of hatching conspiracy and committing murder of Sagar. In all, 30 accused are booked in above crime. Roles are not crystallized. No specific role of applicant is defined. Learned counsel submitted that, many accused are granted bail by this Court. Therefore on the ground of parity, learned counsel seeks enlargement. Lastly, he submitted that, there are no chances of matter going for trial in near future and hence, he urges for grant of bail.

4. While opposing the bail application, learned APP pointed out that serious offence is committed. There is use of two juveniles. That, role of present applicant for using dagger has emerged in the investigation. Deceased Sagar was done to death. Learned APP pointed out that, 18 injuries are inflicted on deceased as well as one injured Monu. He is direct eye witness. There are CCTV footages wherein roles of accused persons are crystallized. Resultantly, learned APP strongly opposes the bail application.

5. Heard. Perused the FIR dated 07.11.2023. Report is by one Abhimanyu Mandale. He has reported that, his maternal cousin Sagar conducts daily needs and finance business. Informant claims that, on 06.11.2023 he got phone call from his such cousin who reported that, Keshav Nahare telephoned and told him that if at all he has to

conduct business, then he will have to shell out money, and even issued threats to kill and so, it was decided to approach police. He further reported that, around 8.00 p.m. that day, on account of birthday of his Uncle, namely Bandewar, informant went there with his other cousin Monu and Sagar, and while all three were in front of shop of his uncle, at that time, it is alleged that, Keshav, his brother Sainath, Guppi, Chingya (juvenile), Dipak, Akash, Pritam, Pappya, Pravin, Aditya, Anil, Santosh, Kishan, Vishal, Mahavir, Rohit, Vrushabh, Kunal, Karamjit, Digambar, Ankit and their associates came. Sagar and Monu were caught and forcibly taken. When informant went to their rescue, it is alleged that he was assaulted by means of sword and knife. In his presence, Sagar was attacked by above named persons by means of sword, knife and khanjar. Sagar allegedly died. Report to above extent was lodged, resulting into registration of crime.

6. There is statement of injured Monu and he has also narrated and reiterated same story as narrated by informant. Sagar allegedly died and as pointed out, postmortem report shows that he has suffered as many as 18 injuries and succumbed to the same.

7. Investigating machinery seems to have recorded statements of injured as well as witnesses at the scene of occurrence and also has laid hands on CCTV footage. As regards to present applicant is concerned, it is not a case, as tried to be submitted, that there are general allegations like others. Specific role has emerged about he taking *khanjar* from the hands of juvenile and using it. Merely because co-accused are granted bail, when role of present applicant is crystallized, it is not open for applicant to claim parity. Though applicant is behind bars since long, considering the nature of allegations and the role attributed to the present applicant as well as severity of the crime, this Court is not inclined to grant relief as prayed. Hence, I proceed to pass the following order:

ORDER

The application is rejected.

[ABHAY S. WAGHWASE, J.]