



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

901 BAIL APPLICATION NO. 592 OF 2025

**SWAPNIL @ RAVI BHAGWAN JAVARE
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. Amit S. Savale, Advocate for Applicant

Mr. R. S. Wani, APP for Respondent/State

CORAM : SANJAY A. DESHMUKH, J.

DATE : 09.09.2025

PER COURT :-

1. Heard.

2. This is an application for granting regular bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No.230 of 2023 registered at Nandurbar (City) Police Station, Dist. Nandurbar, for the offences punishable under Sections 302, 120(B), 201, 324, 323, 504, 506 and 34 of the Indian Penal Code 1860, under Sections 3, 4, 7, 25, and 27 of the Arms Act, 1959 and under Sections 37(1)(3) and 135 of the Maharashtra Police Act, 1951. The applicant's application bearing Sessions Case No.47 of 2023 with similar prayer came to be rejected by the learned Additional Sessions Judge, Nandurbar, vide order dated 14.10.2024.

3. The informant averred in the report that on 09.04.2023 at about 01:30 P.M., near the Umapati Mahadev Temple at Nandurbar, the accused, along with the co-accused, acting with common intention and

due to previous disputes, conspired to kill the informant's brother, Krushna Appa Pendharkar. The present applicant, along with others, assaulted the informant's brother using a knife and a stick, and also fired bullets from a pistol and committed his murder. Thereafter, an FIR was lodged.

4. The learned advocate for the applicant submitted that other co-accused have already been released on bail. The investigation is over and the applicant has roots in society. He further submitted that there is no direct evidence against the applicant and therefore prayed that the applicant be released on bail on the principle of parity, relying upon the order passed by this Court in Bail Application No.1697 of 2023 dated 10.10.2023.

5. The learned APP for the State strongly opposed the application and submitted that the applicant is involved in a serious and heinous offence. He pointed out that the applicant had strong motive for the crime and has criminal antecedents. In particular, C.R. No.126 of 2016 is registered against the applicant for the offences punishable under Sections 143, 147, 148, 149, 452, 427, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

6. The learned APP further submitted that the applicant is the prime accused in the present case. He relied on the transcript of the video recording, allegedly recorded by the applicant himself during the commission of the murder of Krushna Appa Pendharkar. He also pointed

out the statements of eye witnesses and the post-mortem report of the deceased. He argued that if the applicant is released on bail, there is possibility of committing similar offences again, or pressurizing prosecution witnesses and tampering with the evidence. He lastly prayed to reject the application.

7. Perused the charge sheet, particularly the investigation report, statements of witnesses, post mortem report and the transcript of the video recording recovered from the mobile handset of the applicant. From the statements of eye-witnesses, it is crystal clear that the applicant was seen while assaulting the deceased along with the co-accused. There is prima facie material implicating the applicant in the commission of the murder. The applicant also has a past criminal record, with offences punishable under Sections 143, 147, 148, 149, 452, 427, 323, 504 and 506 read with Section 34 of the Indian Penal Code already registered against him.

8. Considering the seriousness of the offence, the applicant's previous criminal conduct and the possibility of tampering with the evidence or pressurizing the prosecution witnesses, though the applicant has roots in society, no case is made out to grant bail to the applicant, even on the principle of parity. Accordingly, the application stands rejected.

[SANJAY A. DESHMUKH, J.]