



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 593 OF 2025

Tikaji @ Bala @ Vinod S/o. Madhukar Sawale,
Age : 28 years, Occu. : Labour,
R/o. : Dhanora – Makta, Taluka Loha,
Dist. Nanded,
At present Madhuban, Dhanegaon, Nanded,
Taluka & District Nanded.

... Applicant

Versus

The State of Maharashtra,
Through its Police Sub Inspector,
Rural Police Station Nanded,
Taluka and District Nanded.

... Respondent

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Mr. A. B. Kharosekar, Advocate for Applicant.
Mrs. Vaishali S. Chaudhari, APP for Respondent – State.

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WITH

BAIL APPLICATION NO. 389 OF 2025

Vikas S/o. Chandrakant Kamble,
Age : Major, Occu. : Labour,
R/o. CIDCO, Balirampur, Nanded
Tq. & Dist. Nanded.

... Applicant

Versus

The State of Maharashtra,
Through Police Inspector,
Nanded Rural Police Station,
Nanded, Tq. & Dist. Nanded.

... Respondent.

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Mr. S. S. Gangakhedkar, Advocate for Applicant.
Mrs. Vaishali S. Chaudhari, APP for Respondent – State.

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WITH

BAIL APPLICATION NO. 46 OF 2025

Kiran Suresh More,
Age : 28 years, Occu. : Labour,
R/o. Dr. Babasaheb Ambedkar,
Nagar, Dhanegaon, Nanded,
Tq. & Dist. Nanded.

... Applicant

Versus

The State of Maharashtra,
Through Police Inspector,
Nanded Rural Police Station,
Nanded, Tq. & Dist. Nanded.

... Respondent.

.....

Mr. S. S. Gangakhedkar, Advocate for Applicant.
Mrs. Vaishali S. Chaudhari, APP for Respondent – State.

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WITH

BAIL APPLICATION NO.1569 OF 2024

Lahuji @ Avdhut Gangadhar Dasarwad,
Age : 26 years, Occu. : Labour,
R/o. Balirampur, Nanded,
Tq. & Dist. Nanded.

... Applicant

Versus

The State of Maharashtra,
Through Police Station Nanded Gramin,
Dist. Nanded.

... Respondent

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Mr. S. R. Bagal h/f. Mr. Bharat N. Gadegaonkar, Advocate for Applicant.
Mrs. Vaishali S. Chaudhari, APP for Respondent – State.

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WITH

BAIL APPLICATION NO. 298 OF 2025

Harshvardhan S/o. Subhash Lohkar,
Age : 35 years, Occu. : Labour,

R/o. Balirampur, CIDCO, Nanded,
Taluka & District Nanded.

... Applicant

Versus

The State of Maharashtra,
Through It's Police Sub Inspector,
Rural Police Station, Nanded,
Taluka and District Nanded.

... Respondent

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Mr. A. B. Kharosekar, Advocate for Applicant.

Mrs. Vaishali S. Chaudhari, APP for Respondent – State.

Mr. A. K. Bhosle, Advocate for informant (Assist to APP) in all matters.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 24 APRIL 2025

PRONOUNCED ON : 28 APRIL 2025

ORDER :

1. All above applicants, who are arrested in one and the same crime bearing No.122 of 2023 for offence punishable under sections 302, 386, 323, 120(B), 143, 147, 148 and 149 of the Indian Penal Code and under sections 3/25, 4/25 and 27 of the Arms Act and under sections 3(1)(i)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act (MCOC Act) and under section 135 of the Maharashtra Police Act, are seeking their enlargement on bail on account of their arrest.

2. Arguments made by Advocate Mr. S. S. Gangakhedkar are to larger extent adopted by each of the respective counsel in above applications, except adding their distinct roles attributed to

them. That, the common points urged are that primarily there is no direct evidence. That, very informant, who claims herself to be an eye witness, reported at the time of MLC that, her son Raj was assaulted by unknown persons. Later on, by fabricating new version, applicants are named to be assailants. That, false implication was due to previous enmity. That, there are allegations that deceased was encircled and assaulted by nine persons. That, there was no motive with applicants to assault. That, applicants are behind bars since 25.02.2023. That, investigation is over and charge sheets have been filed against each of them. That, neither charge has been framed nor trial has commenced. That, there is uncertainty over conclusion of trial and as applicants cannot be behind bar indefinitely, all learned counsel urged for grant of bail on any conditions deemed fit by this court.

Orders passed by this court (Principal Seat) in Criminal Bail Application No. 2816 of 2019, Bail Application No.3804 of 2021 and Bail Application No.3778 of 2024 are also taken recourse to and relied in support of the relief.

3. Learned APP would point out that serious and brutal murder has been committed. That, deceased and his brother had not complied to the demand of extortion. Thus, there was motive. That, brutal murder has been committed in a planned manner. That,

conspiracy was hatched and after keeping surveillance on informant and deceased, deceased was alone assaulted by means of firearm and sharp deadly weapon like *Khanjar*. Therefore, offence like under sections 302, 386, 120(B) and 149 of IPC have been invoked. Learned APP took this court through the FIR, statements of witnesses to whom she claimed to be direct eye witness being present with the informant as well as deceased. Learned APP also took this court through the P.M. report and opinion of cause of death. Learned APP pointed out that, the manner of assault does not call for relief of bail and she expresses possibility of commencement of trial in near future.

4. Learned counsel for informant also strongly opposed by pointing out that, MLC has no much significance. He pointed out that, it needs to be borne in mind that mother has an eye witness of brutal murder of her son. Her mindset at that juncture was very different and it was not possible to give details, while her son had suffered grievous and fatal injuries including gunshot injuries. He too pointed out that each of the applicants have played active role. That, they were all armed with deadly weapons. That, applicant of Bail Application No.593 of 2025 used pistol and fired on the neck of deceased. With such allegations, he too strongly opposes the relief of bail.

5. Perused the FIR at the instance of Kesharbai. She reported that, 6 to 7 months back, her acquaintance Bala @ Vinod @ Ukaji Madhukar Savale and his friends had demanded her vehicle to enable them to attend the marriage, but she has refused and therefore getting annoyed, it is alleged that, her four wheeler vehicle was damaged of which report was lodged at police station. Precisely, to pressurize her to withdraw the case, it is alleged that, threats to kill were issued and those persons were after her son and had also issued threats to not spare them alive. Attempts were made in September 2022 to catch her son Mukesh, but he managed to escape. She reported that, she got call from Balu @ Vinod, saying that, her son has managed to survive, but he would see later on. She further claimed that on 25.02.2023, around 8.00 to 8.15 p.m., she herself, her deceased son Raj, son-in-law Vijay and Vishal were proceeding to pay visit to the house construction site. That time, her son Raj alighted from the vehicle to obtain photocopies of documents. That time, she claims to have heard huge noise and claims to have seen assault being carried out on her son Raj by Balya @ Vinod, who was armed with firearm, Kiran Suresh More, Harshavardhan Subhash Lohekar, Kundan Sanjay Landage, Lahuji @ Avdhut Gangadhar Dasarwad, Vikas Kambale by means of Khanjar and Balya @ Vinod was directing other not to spare him alive. She also claims that she

saw gunshot being fired at the neck by Balya and others assaulted on chest and abdomen on her son and assailants fleeing thereafter. That her son being taken to hospital and declared dead.

6. Learned counsel for all applicants invited attention of this court to the MLC and would submit that, in the hospital it was reported that assault was by unknown persons. On visiting the same, it does emerge that, at hospital report was given about assault by unknown three persons. However, though learned counsels pointed out that it was at the instance of mother, such specific name of informant is not appearing therein. Even otherwise as submitted by learned APP as well as learned counsel for informant, mere reference in paper like MLC cannot be taken into account to draw any inference that too at this stage. Here, apart from information by mother, who was accompanying her deceased son, there are statements of Santosh Ubale and Vijay her son-in-law and they too have reiterated what he stated by informant.

7. There are allegations of use of firearm, weapons like Khanjar by nine persons for assaulting a single person that too by allegedly encircling him, both preventing attempt to save or to prevent escape. P.M. report shows that deceased, who was brought dead and suffered as many as 10 injuries and cause of death is due to

“Hemorrhagic shock due to firearm injury to the neck and stab injuries to the abdomen”. Taking into account the above material, severity of the crime, initial threats issued for non compliance of demand of extortion, life threat shown to be executed, though charge sheet is filed, this court is not inclined to grant bail as prayed.

8. All bail applications are rejected.

(ABHAY S. WAGHWASE, J.)