



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

947 BAIL APPLICATION NO. 729 OF 2025

NARESH BABANRAO KSHIRSAGAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Sudarshan J. Salunke
APP for Respondent/State: Mrs. Vaishali N. Patil Jadhav

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 09.07.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested on 09.11.2024 in connection with Crime No.0366 of 2024, dated 08.11.2024, registered with Parbhani Rural Police Station, District Parbhani, for the offences punishable under Sections 109, 352, 351(2), 351(3) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 3 and 25 of the Arms Act, 1959.

3] The case against the applicant revolves around the main allegation that he had instigated his brother / co-accused to fire on the family members of the informant on account of prior dispute.

It is stated in the FIR that at the instance of the applicant the brother of the applicant has fired at the informant. One of the family members of the informant hit the applicant's brother on hand and, as such, revolver fell on the ground. Thereafter, it is stated that the applicant and his brother fled away on the motorcycle.

4] The pistol is also sent for forensic report. The report is still awaited. The learned counsel for the applicant submits that the applicant is falsely implicated in the matter. There is no evidence that the brother of the applicant has fired gun. He submits that the only allegation against the applicant is that the applicant has instigated his brother to fire on the family members of the informant. There are no injuries caused. He submits that, the applicant is in custody from 09.11.2024. he also taken me through order of the trial court, more particularly, paragraph no.11, wherein the trial court has refused to grant bail on account of strong emotion against the opponent and had instigated the other accused to fire upon opponent and may complete the job which was left unfinished by accused Abhishek i.e. the brother of the applicant and also granted liberty to apply afresh for bail after six months.

5] Considering that there are no injuries sustained, so also, the possibility of over implication at this stage cannot be ruled out and that the applicant is in custody

from 09.11.2024 for a substantial period on stringent conditions bail can be granted to the applicant.

6] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.0366 of 2024, dated 08.11.2024, registered with Parbhani Rural Police Station, District Parbhani, for the offences punishable under Sections 109, 352, 351(2), 351(3) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 3 and 25 of the Arms Act, 1959, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant shall not enter the village Parva, Taluka and District Parbhani till conclusion of the trial.

c] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

6] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

7] It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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