



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

929 BAIL APPLICATION NO. 801 OF 2025

Pappu Alias Lalba Shesherao Gajalwad

VERSUS

The State Of Maharashtra

...

Mr. Radikar Akshay Suresh, Advocate for Applicant

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

WITH

BAIL APPLICATION NO. 828 OF 2025

Dipak Arjun Pawar

VERSUS

The State Of Maharashtra

...

Adv. Granthi Manpreet Ajeet Singh and Mr. Karande Vaibhav Dilip,
Advocate for Applicant

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

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CORAM : SANJAY A. DESHMUKH, J.

RESERVED ON : 09.10.2025

PRONOUNCED ON : 17.10.2025

ORDER :-

1. Heard.

2. These are the applications for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.345 of 2023, registered at Itwara Police Station, District Nanded, for the offences punishable under Sections 302, 307, 120(B), 294, 201, 384, 386, 387, 504, 506, 143, 147, 148, and

149 of the Indian Penal Code and Sections 4/5 and 4/27 of the Arms Act and Section 135 of the Maharashtra Police Act.

3. The learned advocate for the applicants pointed out the report in which it is averred by the informant that his cousin brother namely Sagar Rautre was running a business in the name and style of Daily Needs and Finance. On 06.11.2023 at about 04:00 p.m., Sagar called the informant and informed him that Keshav Nahare had demanded money from him stating that if he wanted to continue his business, he would have to give money. The informant advised Sagar that he should lodge a complaint with the police. However, Sagar replied that if he lodged a complaint against Keshav, he would not leave him. Thereafter at about 08:00 p.m., the informant went to the shop of one Bandewar uncle to wish him on his birthday. The son of said uncle Monu Alias Devendra and Sagar were also came there. While they were waiting for Bandewar uncle in front of the shop, at that time Keshav along with other co-accused including the present applicants came there on motorcycles. They tried to forcibly make Monu and Sagar sit on the motorcycles by pulling them by their collars. When Sagar and Monu refused to sit on motorcyle, all the accused persons assaulted them with daggers, swords and knives which they had brought along with them. When the informant tried to intervene, the accused persons also assaulted him with

swords and knives, causing injuries to his hand and head. Even Sagar fell on the ground, the accused persons continued to assault both Sagar and Monu with their weapons. When they saw that Sagar was lying unconscious in a pool of blood, all of them ran away from the spot on their motorcycles. Thereafter, the informant, with the help of others, took Sagar and Monu to the hospital, where the doctors, upon examination declared Sagar dead. On the basis of these allegations, the report was lodged.

4. The learned advocate for the applicants submitted that the applicants have been falsely implicated in the crime. The applicants have roots in the society and they will not flee away from the trial. The investigation is over. The applicants have no criminal antecedents. They have been in custody for about two years, and the trial will take a long period. It is further submitted that other co-accused, who are similarly situated, have been released on bail by this Court in Bail Application Nos. 2026 of 2024, 2114 of 2024, 2117 of 2024 and 2184 of 2024 by order dated 13.02.2024, Bail Application Nos.993 of 2024 and 1045 of 2024 by order dated 06.08.2024, Bail Application No.431 of 2025 by order dated 27.03.2025, and Bail Application No.578 of 2025 by order dated 03.04.2025. The learned advocate for the applicants submitted that on the ground of parity, the applicants also deserve to be released on bail.

5. The learned APP for the State strongly opposed the applications and submitted that the applicants are involved in a serious crime of murder and attempt to commit murder. If they are released on bail, they will certainly pressurize the prosecution witnesses and tamper with the evidence. The learned APP further submitted that the applicants cannot be released on bail merely on the ground of parity and therefore prayed to reject the applications.

6. Perused the charge-sheet, particularly the report, statements of witnesses and the post mortem report. The applicants have been arrested in connection with a crime involving commission of murder. However, other co-accused, who are similarly situated and assigned similar roles, have already been released on bail by this Court. Considering the applicants' role and on the ground of parity as well as the settled principle that bail is the rule and jail is the exception, the applicants can be released on bail subject to certain conditions. Hence, the following order:

::ORDER::

- I. The applications are allowed.
- II. The applicants, in connection with Crime No.345 of 2023, registered at Itwara Police Station, District Nanded, for the offences punishable under Sections 302, 307, 120(B), 294, 201, 384, 386, 387, 504,

506, 143, 147, 148, and 149 of the Indian Penal Code and Sections 4/5 and 4/27 of the Arms Act and Section 135 of the Maharashtra Police Act, be released on bail on furnishing personal bond of Rs.50,000/- each with one surety each of the like amount on following conditions:-

a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

b) The applicants, except on the dates fixed for hearing of the trial, shall not enter in entire Nanded City District Nanded, for a period of one year from today.

c) If the applicants are involved in any other similar crimes again, the learned APP, the informant or the Court suo moto, may proceed to cancel the bail of the applicants even though bail is granted by this Court.

[SANJAY A. DESHMUKH, J.]

HRJadhav