



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

7 BAIL APPLICATION NO. 963 OF 2025

1. Gopal S/o Sanjay Rathod.
2. Vishal S/o Sanjay Rathod. **... Applicants**

Versus

The State of Maharashtra. **... Respondent**

...
Advocate for Applicants: Mr. K. N. Shermale.
APP for Respondent/State : Mr. V. S. Badakh.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 02nd June, 2025.
(Vacation Court)

P.C.:

1 Heard.

2 This is an application, under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, for grant of regular bail in connection
with Crime No.107 of 2025, registered with MIDC Paithan Police
Station, District Aurangabad (Rural), for the offences punishable under
Sections 324(4), 309(5), 351(2), 351(3), 352 and 3(5) of the Bharatiya
Nyaya Sanhita, 2023.

3 It is averred in the report by the informant that on 5th May, 2025 at around 02:30 pm, applicant No.2 alongwith an unknown person arrived at Yog Palace Hotel in a four-wheeler and sat down to consume alcohol. Around 04:00 pm, after consuming liquor, they placed a knife on the table and refused to pay the bill amount. On the contrary, they threatened to the informant on the point of knife that they will eliminate him. Upon hearing this, the informant started to shout for help. Immediately, two hotel staff members came running to the scene. The informant quickly snatched the knife from the hand of applicant No.2. Thereafter, applicant No.2 and the co-accused fled from the hotel premises without paying the bill. Thereafter, at around 04:30 pm, the applicants and Lakhan Rathod came back in the same four-wheeler. Upon getting down from the vehicle, they started to abuse the informant. Applicant No.1 then broke the glass windows of the Tata Nexon vehicle bearing registration No.MH-14-JU-4236 belonging to the informant, thereby creating an atmosphere of terror and fear. They also threatened that they were having pistol and will show the effect of its shot. Therefore, the informant was frightened and lodged the report against these applicants and co-accused.

4 The learned counsel for applicants submitted that the custody of the applicants is not necessary as they are in MCR. The applicants have roots in the society. They will not flee away from the

trial. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicants are involved in the serious crime. The applicants have criminal antecedents. Applicant – Vishal was arrested in earlier crime bearing C.R. No.261 of 2024. He submitted that if the applicants are released on bail, they will commit crime of similar nature. Considering the nature of the crime, it is lastly prayed to reject the application.

6 Perused the report and the papers of investigation. From the papers of investigation, it appears that the applicants have been arrested on the second day of the incident. The applicants have roots in the society. They will not flee away from the trial. No doubt applicant – Vishal was arrested in earlier crime bearing C.R. No.261 of 2024, however, considering the nature of the crime, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicants be released on bail in connection with Crime No.107 of 2025, registered with MIDC Paithan Police Station, District Aurangabad (Rural), for the offences punishable under

Sections 324(4), 309(5), 351(2), 351(3), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, on their furnishing personal bond of Rs.25,000/- each with surety of the like amount by each of them on following conditions:-

- a) The applicants shall not pressurize the prosecution witnesses, in any manner.
- b) The applicants shall not tamper with the prosecution evidence, in any manner.
- c) The applicants shall attend the concerned police station as and when required and shall co-operate in the investigation.
- d) The applicants shall not indulge in similar activities again.
- e) The applicants shall not enter into the village where the informant is residing, till filing of the charge-sheet.
- f) The applicants shall not enter the informant's liquor shop till conclusion of trial.

III. The concerned to act upon the authenticated copy of this order.

[SANJAY A. DESHMUKH, VJ.]