



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

BAIL APPLICATION NO. 1006 OF 2025

(1) GAJANAN RAMESH NANGARE
(2) GORAKH SHIVAJI YELNE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Tushar C. Shinde
APP for Respondents: Mr. S. N. Morampalle
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 11-12-2025

PER COURT:-

1. The applicants are seeking regular bail in connection with Crime No.265 of 2024 dated 21.11.2024 registered with Shani Shingnapur Police Station, Taluka Newasa, District Ahmednagar, for the offences punishable under Sections 103(3), 109, 115(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023. Pursuant to the said crime, the applicants are arrested on 22.11.2024. After completion of the investigation, the chargesheet is filed.

2. Heard learned counsel for the applicant and learned APP and perused the record.

3. It is case of the prosecution that initially the informant and his father came to know from the Doctor that someone had assaulted the deceased on his face and head, due to which he was unconscious. Accordingly, the first informant report was lodged against the unknown persons.

4. Subsequently, the names of the accused were revealed. It is alleged that during accused persons were working in restaurant and they assaulted the deceased on account of sleeping in one bedding, with fist and kick blows, jumping over his body. It is further alleged that the accused also assaulted the deceased with bricks and cement blocks.

5. The learned counsel for the applicants submits that initially the first information report came to be registered against the unknown persons. Co-accused, namely, Amit and Akshay had allegedly assaulted the deceased with bricks and cement blocks. As such, no allegations is against the present applicants of causing grievous injuries to the deceased. The applicants are falsely implicated in the crime. There is inordinate delay and the investigation is completed. Thus, further custody of the applicants is not required. Hence, prayed for bail.

6. Learned A.P.P. has opposed the application and submitted that offence is serious in nature. The CCTV footage indicates the complicity of all the accused. The accused in furtherance of their common intention assaulted the deceased by fist and kick blows and by jumping over the deceased. The deceased suffered multiple grievous injuries and succumbed to the same. Hence, the applicants may not be released on bail.

7. Having considered the submissions and material on record, it indicates that every act is attributed to the other co-accused involved in the alleged incident. Only general and sweeping allegations of blow by fist and kick are levelled as against the applicants. *Prima facie*, there appears no premeditation for the alleged act which resulted into death of the deceased.

8. The investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further detention of the applicants as an under-trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicants.

9. Hence, the following order:-

ORDER

- (i) The bail application is allowed.
- (ii) Applicants No.(1) Gajanan Ramesh Nangare and (2) Gorakh Shivaji Yelne be released on bail, on furnishing PB and SB of Rs.50,000/- each, with one solvent surety of the like amount, in Crime No.265 of 2024 dated 21.11.2024 registered with Shani Shingnapur Police Station, Taluka Newasa, District

Ahmednagar, for the offences punishable under Sections 103(3), 109, 115(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, on the conditions that,

- (a) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (b) The applicants shall attend the trial on each and every date unless exempted by the trial Court.
 - (c) The applicants shall submit their Aadhar and Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein are restricted to the extent of this application and the trial court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE