



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 BAIL APPLICATION NO. 1079 OF 2025

Nikhil Abasaheb Sambherao,
Age : 32 years, Occupation: Labour,
R/o.: Anwa, Tq. Bhokardan, Dist. Jalna. ... Applicant

Versus

The State of Maharashtra,
Through Superintendent of Police,
Chikalthana Police Station,
Aurangabad. ... Respondent

...
Dr. Anagha N. Pedgaonkar, Advocate for Applicant.
Mr. G. O. Wattamwar, APP for Respondent-State.
...

CORAM : SANJAY A. DESHMUKH, J.

DATE : 20 AUGUST, 2025

P.C.:-

1. Heard learned Advocates for both the sides.
2. This is an application for grant of bail in connection with C.R. No.584 of 2024, registered with Chikalthana Police Station, District Aurangabad (Rural), for the offences punishable under Sections 103(1), 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).
3. Learned Advocate for the Applicant has pointed out the report and submitted that the Applicant and other two Accused entered into the hotel of the Informant on 5th December 2024 after 12:00

midnight. The Informant received phone call from one of the employees of his hotel, viz; Abad at about 3:44 a.m. informing that these three persons entered into the hotel. They forcefully demanded the meal. While having meal, they drunk liquor, which were brought by them. After that they again demanded the meal. Thereafter, Informant went there, he saw that empty bottles of liquors were on the table. These three persons were quarreling with the waiters of the hotel. The Informant told them that he is a Manager of the Hotel and the Hotel has been closed. He directed them to go. However, at that time, they paid the bill of the meal and they demanded one sprite bottle. Waiter-Abad demanded bill of the sprite bottle. These three persons refused to pay the bill. They started to quarrel with the waiters of the hotel. One of the accused, came on the person of Informant and threatened him. Informant tried to pacify them that they were under the influence of liquor, therefore, they did not respond to the request of the Informant. They started to beat him. One of them i.e. co-accused-Abhijit assaulted Informant by the knife. The Informant then rushed towards the side of counter and the waiters tried to restrain that person and requested him not to assault. That time, two persons entered into the hotel. They inquired as to whether the hotel was open for parcel orders and they demanded parcel of the food. These persons saw that the incident in the hotel. One person out

of them saw that co-accused-Abhijit is proceeding towards him with the knife. One person i.e. victim-Santosh Peddi proceeded ahead and requested him not to quarrel, then Accused No.1-Abhijit all of a sudden assaulted on his chest by the knife. The Informant and the others run away from that spot. That time, these three persons were chasing. These three persons, thereafter, run away by the Skoda Fabia vide vehicle No.MH-12-FY-4194 and proceeded towards the Cambridge Square of Aurangabad. The victim-Santosh peddi, who sustained injury become unconscious. He was admitted in the hospital. During the treatment, it was revealed that he suffered injuries.

4. Learned Advocate for the Applicant submits that the Applicant is falsely implicated in the crime. He has no criminal antecedents. Though he was present at the time of incident, he was requesting Accused No.1 not to assault. She pointed out the CCTV footage in which, it is pointed out that Applicant was trying to convince Accused No.1. It is submitted that considering the role of the Applicant, the application deserves to be allowed.

5. Learned APP for the Respondent-State strongly opposes the application and pointed out that CCTV footage in which the Applicant is turning near the counter of the hotel. His presence at the time of the incident reveals that he is involved in the said crime. He states that

Applicant is involved in the serious crime of murder. Therefore, he prayed to reject the application.

6. Perused the charge-sheet, particularly, the report and statements of witnesses. The details of CCTV footage pointed out by learned Advocate for the Applicant, shows that Applicant was trying to stop the quarrel. The Applicant was not holding the knife and he had not assaulted, either the Informant or Santosh Raju Peddi, who died by the assault of co-accused. Applicant has no criminal antecedents. He has roots in the society. The trial will take long period.

7. Considering all these reasons and change in the circumstance, application deserves to be allowed, on the conditions.

ORDER

- (i). Criminal application is allowed.
- (ii). The Applicant in connection with Crime No.584 of 2024, registered with Chikalthana Police Station, District Aurangabad (Rural), for the offences punishable under Sections 103(1), 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (**BNS**), be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following conditions:-

- (a). The Applicant shall not tamper with the prosecution evidence.
- (b). The Applicant shall not pressurize the witnesses, in any manner.

(SANJAY A. DESHMUKH, J.)

Tauseef