



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

942 BAIL APPLICATION NO. 1091 OF 2025

**MAHESH SHAHADEV GAWDE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr.M.S.Taur
APP for Respondent-State : Mrs.A.S.Mantri
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 22.07.2025**

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 is arrested on 20.12.2024 in connection with Crime No. 0776/2024, registered with Newasa Police Station, Newasa, for the offence punishable under Sections 109, 61 (2), 3 (5) of the Bhartiya Nyaya Sanhita, 2023.

3] It is alleged that the applicant–accused was hired by accused nos.2 and 3 and that accused nos.2 and 3 were hired by accused no.1 for eliminating the brother of the informant. It is stated that the vehicle i.e. bolero was driven by co-accused, namely, Sandip has given dash to the

motorcycle of the brother of the informant and injury was sustained to the brother of the informant. The injury sustained to the brother of the informant is grievous in nature. As such, offence was registered.

4] The learned counsel for the applicant submits that this Court, by order dated 8th May, 2025 in Bail Application No.716/2025, has granted bail in favour of the co-accused, namely, Sandip Pardeshi and he seeks bail in favour of the applicant on the ground of parity. The learned counsel for the applicant submits that Bolero was driven by the co-accused namely Sandip and he has been granted bail by this Court by order dated 8th May, 2025 and the present applicant was occupant of the vehicle. As such, role of the applicant is not higher than role of the driver of the vehicle. Considering the said fact, bail should be granted in favour of the applicant on the ground of parity.

5] The learned APP submits that the applicant was absconding for a long period of time, therefore, bail should not be granted in favour of the applicant.

6] The applicant is arrested on 20.12.2024 and the applicant is in jail since then. The applicant was occupant of the vehicle and the driver of the bolero vehicle is granted bail and role of the applicant is not higher than the role of the driver of the vehicle. Considering the same, the

applicant is granted bail. The application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 0776/2024, registered with Newasa Police Station, Newasa, for the offence punishable under Sections 109, 61 (2), 3 (5) of the Bhartiya Nyaya Sanhita, 2023, 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, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court. In case the applicant failed to attend the trial for consecutive two days, the prosecution would be at liberty to seek recall of this order.

d] 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.

e] 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.

7] 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. 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

DDC