



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

**951 BAIL APPLICATION NO. 1126 OF 2025**

**MANISH PRAKASH KSHIRSAGAR  
VERSUS  
THE STATE OF MAHARASHTRA**

...

Mr. R. G. Hange h/for Mr. Anirudh R. Hange, Advocate for Applicant  
Mr. R. S. Wani, APP for Respondent/State

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**CORAM : SANJAY A. DESHMUKH, J.**

**DATE : 20.09.2025**

**PER COURT :-**

1. Heard.
2. This is an application for granting of regular bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.383 of 2024, registered at Peth Beed Police Station, District Beed, for the offences punishable under Sections 109, 191(2), 191(3), 190, 61(2), 115(2), 352 and 351(2) of the Bhartiya Nyaya Sanhita, 2023 and Section 3/25 of the Arms Act and Section 135 of the Maharashtra Police Act.
3. The informant averred in the report that on 19.06.2024 his neighbour, Prasad Dhiwar, along with his friends Sunny Athawale, Manish Kshrisagar, Ganesh Mane and Yogesh Waghmare came to his house at around 10:00 p.m. During the visit, Sunny Athawale assaulted the informant's stomach with a Kukri/knife. The informant managed to

ward off the blow with his left hand, resulting in injury to that hand. Accordingly, the informant lodged a report against Sunny Athawale and the others. The informant and his father were threatened by the accused by saying that they would not allow them to live. Subsequently, Sunny Athawale and the others also filed a counter-report against the informant, his father and the informant's cousin, Rahul Dongare. As a result, the informant and his cousin were incarcerated for three and half months and were released on bail on 27.11.2024..

The informant further averred that on 12.12.2024, at about 11.00 p.m., he and his brother were sleeping in their room while their parents were sleeping in another room. On 13.12.2024, at about 02:00 a.m., the informant heard voice calling him to wake up, saying that his father, Akshay Athawale had come. When he peeped through window, he saw Akshay Athawale, Sunny Athawale, Ashish Athawale and Manish Kshirsagar standing outside, each holding pistols in their hands. One Prasad, who was showing them the informant's room said that "today they will kill them". The informant suddenly closed the window and blocked the door with a Sofa. Thereafter, the applicant and other co-accused started firing at the door and window. During this, the informant heard that Akshay Athawale was saying that he would kill at least two members of Dongare family today. The informant then called his maternal uncle, Ashok Jawale and informed him about the

firing so that he could call the police. Upon hearing the gunshots, the informant's parents woke up and came out of their room. As soon as they stepped outside, Akshay Athawale said that although they were released on bail, he would not leave them. He then fired two to three rounds towards the informant's father, who fell down injured. At that moment, Ashish Athawale broke the door of the room where the informant's paternal aunt, Usha, was sleeping. Ashish pointed a pistol at her and demanded to know where her son was, threatening to kill her otherwise. Hearing the commotion from his parents' room, the informant came out and saw his father lying in a pool of blood. After seeing the informant's father injured and bleeding, the accused ran away from the place of incident. Thereafter, the informant and others admitted his father to the hospital and lodged a report about the incident.

4. The learned advocate for the applicant submitted that the applicant is a student. Nothing is seized at the instance of the applicant. In the statement of the informant recorded under Section 183 of the B.N.S.S., it is not stated that the applicant was holding weapon at the time of the incident. In the earlier case, the informant was brutally assaulted by the applicant, however, he was released on anticipatory bail. He submitted that the proposal was forwarded for invoking the provisions of MCOC Act, however, the said proposal was refused. It is submitted that the applicant

has roots in the society and he will not flee away from the trial. The trial will take a long period. It is lastly prayed to allow the application.

5. The learned advocate for the applicant relied upon the judgment of the Hon'ble Supreme Court in ***Bhausahab Nagu Dhavare Vs. State of Maharashtra***, Criminal Appeal No.301 of 2001 and Special Leave Petition (Crl.) 3425 of 2000, decided on 16.03.2001, particularly paragraph No.2, which reads as under:

*“2. When we perused the details of the injury sustained by the victim we too felt, initially, that High Court was justified in rejecting bail for the appellant. Nonetheless we take into account the fact that the victim survived and as on today there is no prospect of the offence being escalated to higher courts. We also take into account the fact that the appellant has been in jail for nearly eight months by now. Learned counsel for the State of Maharashtra submitted that in case this Court is inclined to release the appellant on bail he must be subjected to some stringent conditions, one of them being that the appellant shall not enter within the limits of village Kiwale. We, therefore, order the appellant to be released on bail on his executing a bond with two solvent sureties for such amount as may be fixed by the Trial Court, He shall not enter within the boundaries of the village Kiwale without permission from the Trial court until disposal of the case. This appeal is disposed of. Appeal disposed of.”*

He further relied upon the order of the Hon'ble Supreme Court in case of ***Prabhakar Tewari Vs. The State of Uttar Pradesh***, Criminal Appeal No.153 of 2020 (arising out of Special Leave Petition (Crl.) No.9207 of 2019), decided on 24.01.2020, particularly paragraph No.7, which reads as

under:

*“7. On considering the submissions of the learned counsel for the parties. Having regard to the circumstances of this case, in our opinion, there has been no wrong or improper exercise of discretion on the part of the High Court in granting bail to the accused. The factors outlined in the case of Mahipal (supra) for testing the legality of an order granting bail are absent in the order impugned. The materials available do not justify arriving at the conclusion that the order impugned suffers from non-application of mind or the reason for granting bail is not borne out from a prima-facie view of the evidence on record. The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail. The High Court has exercised its discretion in granting bail to the accused Vikram Singh upon considering relevant materials. No ex-facie error in the order has been shown by the appellant which would establish exercise of such discretion to be improper. We accordingly sustain the order of the High Court granting bail. This appeal is dismissed.”*

6. The learned APP for the State strongly opposed the application and submitted that the applicant has criminal antecedents and is involved in a serious crime. He further submitted that if the applicant is released on bail, there is possibility that he may pressurize the prosecution witnesses, tamper with the evidence and may even commit a similar offence again. There is evidence of eye-witnesses indicating the applicant's involvement in the alleged crime. Considering the serious nature of crime, it is lastly prayed to reject the application.

7. Perused the charge-sheet, particularly statements of witnesses.

The accused Prasad and Omkar have been released on bail. However, considering the specific role attributed to the present applicant that he was holding a pistol in his hand and was present at the spot of the incident and the fact that he has criminal antecedents, if he is released on bail, he may commit a similar nature of crime again and pressurize the prosecution witnesses or tamper with the evidence. The applicant has previously misused the liberty granted to him by way of bail in earlier cases. It is well-settled principle that the facts of the case are decisive. Considering the facts and circumstances of this case, the case laws relied upon by the learned advocate for the applicant, viz ***Bhausahab (Supra)*** and ***Prabhakar (supra)*** are not useful and applicable. The application deserves to be rejected. Accordingly, it is rejected.

[ SANJAY A. DESHMUKH, J. ]

*HRJadhav*