



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

942 BAIL APPLICATION NO. 1138 OF 2025

DEEPAK BHIMA SALVE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr.S.G.Ladda

APP for Respondent-State : Mr.N.B.Patil

Advocate for Assist to P.P. : Mr.N.B.Narwade

...

WITH

CRIMINAL APPLICATION NO. 2361 OF 2025

IN BA/1138/2025

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 25.07.2025

P.C. :

1] Heard. For the reasons stated in Criminal Application No.2361/2025 for assisting to the P.P., the same is allowed. Criminal Application is disposed of accordingly.

2] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for assist to P.P.

3] The applicant is seeking bail as he is arrested on 22.09.2024 in connection with Crime No. 722/2024, registered with Ahmednagar Police Station for the offence

punishable under Sections 109, 189 (2), 191 (2), 191 (3), 190 of BNS, 2023 and Sections 4 and 25 of the Arms Act, 1959.

4] The case of the prosecution is that on 19.09.2024 at about 10.30 p.m. while the informant Manoj Chobe was in his hotel, the accused persons armed with sword, iron rods questioned the informant as to why he had hidden boys in the hotel and bring the boys otherwise he would kill. It is stated that accused no.1 Deepak Salve gave blow of sickle on the head, accused Kiran and Pravin assaulted the informant with sword on hands and cut thumb of right hand, so also, other accused persons assaulted the informant. As such, the FIR is registered. The applicant came to be arrested on 22.09.2024. After completion of investigation, the charge sheet is filed. Thereafter, the applicant filed Bail Application before the Sessions and the same was rejected by the Sessions Court. As such, the present Bail Application is filed before this Court.

5] The learned counsel for the applicant submits that there are four eye witnesses of the alleged incident and they have stated in their police statement name of assailants as Pravin Kamble and Kiran Kamble and they have assaulted the informant and after one month their statements under Section 164 of Criminal Procedure Code were recorded

wherein they have stated that the applicant has assaulted the informant. The learned counsel for the applicant has also taken me through transcript of CCTV footage which shows that the accused Pravin Kamble has assaulted the informant by means of sword whereas Kiran Kamble had caught hold the legs of the informant when the informant was trying to get up from the assailant at that time the applicant had thrown down the informant. He further submits that there is no role of the applicant to assault the informant. The learned counsel for the applicant submits that this Court, by order dated 28.11.2024 in Bail Application No.2008 of 2024, has granted bail in favour of the similarly placed co-accused namely Sahebrao Salve. Considering the said fact, bail should be granted in favour of the applicant.

6] *Per contra*, the learned APP, so also, the learned counsel for assist to P.P. submit that it is alleged in the FIR that the present applicant gave blow of sickle on the head of the informant. They further submit that role of the applicant is higher than the role of co-accused, namely, Sahebrao Salve. They further submit that the applicant is the main assailant and he is the leader and at whose instance, the alleged incident took place and he uttered words 'eliminate him' [Wicket Kadha]. They further submit that in the event the applicant is released on bail, there is possibility that he would give threat to the informant.

7] The learned counsel for the applicant submits that he would stay away from the village Baburdi Bend, Ahmednagar and he is ready to attend the police station every fortnight.

8] Considering the submissions, so also, considering the transcript of CCTV footage, co-accused are the main assailants and there is no role of the applicant to assault the informant, so also, the applicant has not used any weapons in the alleged assault. The applicant is in custody from 22.09.2024. This Court, by order dated 28.11.2024 in Bail Application No.2008/2024, has granted bail in favour of co-accused, namely, Sahebrao Salve, whose role is lesser than the present applicant. In view of 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. 722/2024, registered with Ahmednagar Police Station for the offence punishable under Sections 109, 189 (2), 191 (2), 191 (3), 190 of BNS, 2023 and Sections 4 and 25 of the Arms Act, 1959, 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 shall not enter the village Baburdi Bend, Ahmednagar and to attend the concerned police station on every fortnight, during pendency of the trial.

c] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

e] 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.

f] 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.

9] 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.

10] Liberty is granted to the applicant to apply for relaxation of condition no. [b] above after four months.

11] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC