



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

907 BAIL APPLICATION NO. 1155 OF 2025

Sunil Sitaram Devkar.

... Applicant

Versus

The State of Maharashtra.

... Respondent

...
Mr. Shaikh Mazhar A. Jahagirdar and Mr. Patel Syed Farhan S. A.,
Advocates for Applicant.

Mr. R. S. Wani, APP for Respondent / State.

...

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

DATE : 12th September, 2025.

P.C.:

1 Heard.

2 The learned APP for the State seeks time for taking instructions. However, his request cannot be considered as the matter is due for final hearing.

3 This is an application for grant of regular bail in connection with Crime No.0553 of 2023, registered with Shrirampur City Police Station, District Ahmednagar, for the offence punishable under Section 302 read with 34 of the Indian Penal Code, 1860.

4 The informant averred in the report that on the night of 8th June, 2023, at around 11:00 pm, he received a phone call from his brother Tanveer. Tanveer informed him that the applicant and co-accused juvenile in conflict with law, abused him. Applicant told him that, *"Why you have said that you have married with a girl who is used by the entire village"*. Thereafter, at around 01:15 am, Tanveer again called the informant and told that the applicant and co-accused called him on the road and they were threatening to eliminate him. Tanveer further told that one Matin Shah settled that quarrel. Thereafter, the informant proceeded towards Shrirampur. At about 03:30 am, the informant received a phone call from one Tejas More, who informed him that Tanveer was assaulted with a chopper near the water tank. Thereafter, one Uddesh Mundlik, informed the informant that Tanveer had sustained serious injuries and when he was taken to Sakhar Kamgar Hospital, Shrirampur, they refused to admit him. Then he was taken to PMT Hospital, Loni. However, Tanveer succumbed to the injuries. The report was lodged on the second day of incident.

5 The learned counsel for the applicant submitted that the trial has been started and the evidence of the informant, Viki Baban Damke, Tejas Rajendra More and Uddesh Ashok Mundlik have been recorded and they have not supported the prosecution. He submitted

that the informant and the eye-witnesses turned hostile. He further pointed out the station diary details dated 9th June, 2023 recorded at 07:45 am, 08:33 am, 09:10 am, 09:24 am, 12:07 pm and 12:16 pm, in which the informant stated that he do not know who has assaulted his brother. The learned counsel for the applicant further pointed out that the report is lodged on 9th June, 2023 at 16:28 hours. He submitted that there was much scope for deliberation prior to lodging of the report. The incident took place at the night time. He submitted that the applicant is behind bars since 2 and ½ years. The applicant has no criminal antecedents. He has roots in the society and he will not flee away from the trial. It is lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious crime of murder. The applicant has pressurized the prosecution witnesses and therefore, the important witnesses have turned hostile. He submits that if the applicant is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

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

8 The alleged eye-witnesses have not supported the

prosecution. The applicant is behind bars since 2 and ½ years. Even if the FIR is taken as it is, it appears that deceased Tanveer made very serious allegations and instigated the applicant to assault him by which irresistible impulse was created in the mind of the applicant and that may be the reason for assaulting deceased Tanveer. It is not the case of planned murder. If all these aspects are considered together alongwith the fact that the applicant has roots in the society, he will not flee away from the trial, he has no criminal antecedents and the principle that bail is rule and jail is exception, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.0553 of 2023, registered with Shrirampur City Police Station, District Ahmednagar, for the offence punishable under Section 302 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

- b) The applicant shall attend the concerned police station as and when required and shall co-operate in the investigation.

[SANJAY A. DESHMUKH, J.]

nga