



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

940 BAIL APPLICATION NO. 1175 OF 2025

Saurabh Vijay Kolhe

VERSUS

The State Of Maharashtra

...

Advocate for Applicant : Mr. Ghate Sagar Somnath

APP for Respondents: Mr. N. D. Batule

...

**WITH
BAIL APPLICATION NO. 1174 OF 2025**

Akshay Sanjay Bojge

VERSUS

The State Of Maharashtra

...

Advocate for Applicant : Mr. Kothari Pratik P.

APP for Respondents: Mr. N. D. Batule

...

CORAM : ARUN R. PEDNEKER, J.

Dated : July 18, 2025.

PER COURT :-

1. Heard learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants are seeking bail as they were arrested in connection with FIR No.174/2025, registered with Vaijapur Police Station, District Aurangabad, for the offences punishable under sections 109, 119(2), 126(2), 189(2), 190, 191(2) of Bharatiya Nyaya Sanhita, 2023.
3. The case against the applicants is that, on 07/04/2025 at about 08:30 p.m., the applicants and co-accused allegedly assaulted the son of the informant. It is stated that the informant's son was attacked by one Mr. Nagesh Shivnath Tupe and five to six unknown persons, allegedly over an

agricultural land dispute. It is further alleged that after the assault, an amount of Rs.53,000/-, a laptop, and two mobile phones were taken from the victim. Accordingly, an FIR came to be registered against Nagesh Tupe and five to six unknown persons.

4. The learned Counsel for the applicants submits that the names of the present applicants do not appear either in the initial statement of the informant or in the victim's statement. The first statement was recorded on 13/04/2025, and even in the supplementary statement dated 04/05/2025, the informant did not name the applicants. It is submitted that although the applicants have been arrested, the prosecution has not clarified on what basis such arrest was made. It is also submitted that while it is alleged that two motorcycles were used during the assault, there is no reference in the FIR or in the statements of witnesses regarding the use of motorcycles at the time of the incident.

5. The learned APP submits that the victim sustained four grievous injuries, three on his legs and one on the forearm. It is contended that the statement of the victim specifically alleges that Nagesh Tupe, along with four to five others, assaulted him. However, the learned APP was unable to point out the specific basis on which the present applicants have been implicated. She referred to the CDR records, which show that eight to ten calls were exchanged between the applicants and the co-accused on the

date of the incident, which led to the applicants being questioned. It is further submitted that motorcycles have been recovered at the instance of the applicants, though there is no clear connection established between the recovered motorcycles and the actual commission of the offence.

6. It is also noted that the investigation is now complete. The main allegation is against Nagesh Tupe, who is said to have led the assault, while subsequent statements vaguely refer to others having used rods to beat the victim. A rod is stated to have been seized from the spot. However, there has been no identification parade of the present applicants conducted by or in the presence of the victim.

7. Considering all the above noted aspects, including the lack of direct identification, and the completion of investigation, the applicants can be considered for grant of bail.

8. In view of the above, the application is allowed in the following terms: -

a] The applicants shall be released on bail in connection with FIR No.174/2025, registered with Vaijapur Police Station, District Aurangabad, for the offences punishable under sections 109, 119(2), 126(2), 189(2), 190, 191(2) of Bharatiya Nyaya Sanhita, 2023, on furnishing PR bond of Rs.25,000/- each with one or two sureties in

the like amount to the satisfaction of the trial Court.

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

c] The applicants shall co-operate with the trial Court and they shall attend each and every date, unless exempted by the trial Court.

d] The applicants shall not tamper with the evidence of the prosecution and they shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicants, upon being released on bail, shall place on record of the trial Court the details of their 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 applicants 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. The applications stand disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.