



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

935 BAIL APPLICATION NO. 1065 OF 2025

Sandesh Lahu Phapale
VERSUS
The State Of Maharashtra

...
Advocate for Applicant : Mr. Jadhav Satej S.
APP for Respondents-State: Ms. R. R. Tandale
Advocate for Respondents : Mr. G. R. Syed
...

WITH
CRIMINAL APPLICATION NO. 2213 OF 2025
IN BA/1065/2025
...

CORAM : ARUN R. PEDNEKER, J.

Dated : July 08, 2025.

PER COURT :-

1. Criminal Application No. 2213 of 2025 is filed seeking permission for assistance to the learned Additional Public Prosecutor (APP). The said application is allowed and accordingly disposed of.
2. Heard the learned counsel for the applicant, the learned APP for the respondent-State, and the learned counsel assisting the learned APP.
3. The applicant is seeking bail in connection with FIR No.917/2024, registered with Parner Police Station, District Ahmednagar, for offences punishable under Sections 118(1), 115(2), 352, 351(2), 189(2), 191(2), 191(3), 126(2), 324(4) and Section 119(1) of Bharatiya Nyaya Sanhita, 2023.
4. As per the FIR dated 27/12/2024, the incident occurred on 23/12/2024. It is alleged that accused No. 3 (the present applicant), along with five other

co-accused, intercepted the vehicle of the informant and assaulted him with the intent to kill. The FIR states that the assault was carried out pursuant to a contract to eliminate the informant. The applicant was arrested on 09/01/2025. The investigation has been completed and the charge sheet was filed on 05/04/2025.

5. The learned counsel for the applicant submits that the investigation is complete. He has taken me through the FIR, which reflects a prior dispute between the informant and accused No.1. It is alleged that on 23/12/2024, while the informant was travelling in a car, his vehicle was intercepted by six individuals, including the present applicant (accused No.3), who then assaulted him.

6. It is further alleged that accused No.1 hit the informant on the left eyebrow with a stone, while the applicant punched the informant on the stomach and head using a "fighter". Other accused allegedly beat the informant with fists and kicks. The informant claims the assailants admitted they were acting on a contract to kill him, due to a financial loss of Rs.40 lakh caused to the person who had given the contract to kill.

7. The learned counsel for the applicant has also referred to the medical certificate, which shows a grievous injury to the left ear (attributable to accused No.1) and one simple injury to the back. He

contends that the alleged blows by the applicant to the stomach and head are not corroborated by the medical certificate. He also argues that the applicant was not present at the scene of the incident.

8. On the other hand, the learned APP and the learned counsel assisting the APP submit that this is a case involving a contract to kill. An audio transcript recovered from a mobile phone of co-accused contains a conversation in which accused No.1 reportedly told a co-accused that a contract had been given to eliminate the informant and that the applicant was also present at the scene and had participated in the assault.

9. I have considered the rival submissions and perused the FIR and accompanying material. The FIR reveals a prior dispute between the informant and the accused. Whether the assault was carried out pursuant to a contract to kill will be a matter for determination at trial.

10. Prima facie, no dangerous weapon appears to have been used by the applicant. The stone allegedly used by accused No.1 to assault the informant was picked up from the spot. Only two injuries were recorded on the informant, one grievous injury (caused by accused No.1) and one simple injury to the back. There is no reference in the FIR to any firearm being used, despite the APP's submission that one of the co-accused mentioned carrying a pistol or revolver.

11. The medical certificate partially corroborates the applicant's version. The applicant has been in custody since 09/01/2025. The trial is likely to take considerable time to conclude. In light of the above, this Court is of the opinion that the applicant deserves to be released on bail, subject to conditions.

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

a] The applicant shall be released on bail in connection with FIR No.917/2024, registered with Parner Police Station, District Ahmednagar, for offences punishable under Sections 118(1), 115(2), 352, 351(2), 189(2), 191(2), 191(3), 126(2), 324(4) and Section 119(1) of Bharatiya Nyaya Sanhita, 2023, on furnishing a personal bond of Rs.25,000/- with one or two sureties of the like amount, to the satisfaction of the Trial Court.

b] Upon release, the applicant shall not, in any manner whatsoever, contact or communicate with the informant during the pendency of the trial.

c] The applicant shall cooperate with the trial proceedings and shall attend each and every date of hearing, unless exempted by the Trial Court.

d] The applicant shall not tamper with prosecution evidence or influence the informant, witnesses, or any other person connected with the case.

e] The applicant shall provide his contact number and current residential address to the Trial Court and shall promptly inform the Court in case of any changes.

f] The applicant shall not enter the jurisdiction of Parner Police Station for a period of one year, except for attending court proceedings.

13. Needless to say, in the event of any breach of the above 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 only for the purpose of deciding this bail application, and the Trial Court shall proceed uninfluenced by any of these observations.

14. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.