



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

922 BAIL APPLICATION NO. 1332 OF 2025

GANESH GAJANAN KUTE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Vijay Shivaji Wakale.

APP for Respondent / State : Mr. S. B. Narwade.

Advocate for assist to PP : Mr. Shashikant E. Shekade.

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

DATE : 10th October, 2025.

P.C.:

1 Heard.

2 This is an application, under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short "the BNSS"), for grant of
regular bail in connection with Crime No.25 of 2025, registered with
Chikalthana Police Station, District Chhatrapati Sambhajinagar (Rural),
for the offences punishable under Sections 103(1) and 303(2) read
with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, "the BNS").

3 The learned counsel for the applicant pointed out the
report and the statements of witnesses. The prosecution case is that
co-accused Ganesh Pawar and the applicant planned to earn

Rs.10,00,000/- by stealing the truck having some valuable goods of Rs.10,00,000/-. Thereafter, co-accused Ganesh took into confidence Vijay Raut and went to meet him at Mouda Toll Plaza, Nagpur. Both of them drove the said truck having some iron pipes. When the vehicle reached near Kenwad, co-accused Ganesh assaulted a tommy on the head of Vijay Raut. Raut Raut fell down in the truck. Then co-accused Ganesh also assaulted on his head for 2-3 times. Vijay Raut died. Co-accused Ganesh kept him in the tool box and proceeded further with the truck and at Mehkar the applicant joined him. They tried to sell the iron pipes and succeeded in selling it to 2-3 persons and also got amount of Rs.12,150/- and Rs.15,050/- and left the truck near Shendra Toll Naka, Aurangabad.

4 The learned counsel for the applicant submitted that the role of the applicant is started after the incident of murder of Vijay Raut. The applicant was not knowing the murder of Raut and the fact that his dead body was kept in the tool box of the truck by co-accused Ganesh. The applicant has no criminal antecedents. Trial will take a long period. Investigation is over and the custody of the applicant is not necessary. It is lastly prayed to allow the application.

5 The learned APP for the State and the learned counsel for assisting the prosecution strongly opposed the application and pointed

out the statements of witnesses, call details and the locations of the applicant and co-accused Ganesh and the statements of scrap owners, who purchased the iron pipes from the applicant and the co-accused. The applicant is involved in the serious crime. If he is released on bail, he will pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report (FIR), the statements of witnesses and postmortem report as well as the details of CCTV footage.

7 The applicant's role started after the murder of Vijay Raut by co-accused Ganesh. The applicant is involved in the sale of the stolen property with some scrap owners. Though there is allegations of conspiracy, the said conspiracy pertains to the theft of a truck having goods worth Rs.10,00,000/-. It is ultimately the matter of evidence. Considering all these aspects and that the applicant has roots in the society and the trial will take a long period, the application deserves to be allowed on the principle that bail is rule and jail is exception, on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.

- II. The applicant in connection with Crime No.25 of 2025, registered with Chikalthana Police Station, District Chhatrapati Sambhajinagar (Rural), for the offences punishable under Sections 103(1) and 303(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 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 shall not tamper with the prosecution evidence, in any manner.

[SANJAY A. DESHMUKH, J.]

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