



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

917 BAIL APPLICATION NO. 1555 OF 2025

NAMDEV TULSIRAM SHIVBHAKTE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Nilesh S. Ghanekar.
APP for Respondent / State : Mr. S. B. Narwade.
...

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.1183 of 2024, registered with
Nanded (Rural) Police Station, District Nanded, for the offences
punishable under Sections 103(1), 352, 3(5), 61(2) and 238 of the
Bharatiya Nyaya Sanhita, 2023 (for short, "the BNS") and under
Sections 4/25 of 4/27 of the Arms Act, 1959.

3 The learned counsel for the applicant pointed out the
report and the statements of the witnesses. The statements of the
witnesses show that the applicant had participated in commission of

murder of Vishal Babu Sarode. It is alleged that the applicant was having a dragger in his hand. The learned counsel for the applicant submitted that nothing is seized at the instance of this applicant. The applicant has roots in the society and he will not flee away from the trial. The applicant has no criminal antecedence. He is 22 years old and his family is depending upon him. Considering all these aspects, it is lastly prayed to allow the application.

4 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious crime. The incident took place in the presence of the witnesses. There are eye-witnesses saying the direct involvement of the applicant. The applicant and co-accused have burnt their blood stained clothes. Considering the serious nature of the crime, if the applicant is released on bail, he will pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

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

6 Considered the grounds stated in the application and the role of the applicant and fact that no any weapon is seized at the

instance of this applicant. The applicant has roots in the society and he will not flee away from the trial. The trial will take a long period. Considering all these aspects, 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.1183 of 2024, registered with Nanded (Rural) Police Station, District Nanded, for the offences punishable under Sections 103(1), 352, 3(5), 61(2) and 238 of the Bharatiya Nyaya Sanhita and under Sections 4/25 of 4/27 of the Arms Act, 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.
 - b) The applicant shall not enter into village Balirampur, Taluka and District Nanded, till the conclusion of trial.

[SANJAY A. DESHMUKH, J.]