



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 BAIL APPLICATION NO. 1672 OF 2025

Shubham Dilip Choudhari

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Rahul R. Karpe

APP for Respondent: Mr. R.S. Wani

Advocate to assist the A.P.P. :Mr. R.R. Kale

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 8th OCTOBER, 2025.

PER COURT :-

1. This is an application for grant of regular bail under section 483 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. The applicant is arrested in connection with crime No. 597 of 2023 registered with Ahmednagar Taluka police station, District Ahmednagar for the offences punishable under Sections 307, 327, 326, 325, 341, 336, 324, 323, 504 and 427 r.w. 34 of the I.P.C.

2. Learned advocate for the applicant pointed out the report in which it is averred by the informant that he is serving with Janjire Agro Industries Pvt. Limited at Hatwalan, On 2.8.2023, he and his labourer Santosh Khilare were proceeding for sale of articles. At around 4.10 p.m. when they reached under the Railway bridge at Sayyadmir Loni, the applicant and co-accused stopped their pickup

vehicle. They demanded the chips. The informant stated that since all the articles were packed, he could not give the chips. At that time, one Bhawani Pawar attempted to snatch the money bags from the informant. The informant tried and escaped from the clutches of the applicant and proceeded further in that pickup vehicle. The applicant and other co-accused chased them. At that time, the informant informed his cousin, Mukund Janjire, about the incident. While driving the said pickup vehicle, they suddenly threw stones at the side mirror of the pickup vehicle, breaking the mirror. The informant proceeded further.

3. It is further averred in the report that when the informant reached near the bridge at village Watephal, co-accused Bapu @ Shubham Choudhari i.e. the applicant herein parked his two wheeler on the road and stopped the informant's vehicle. He started abusing the informant and his labour. He asked them to come out, but the informant, out of fear of being assaulted, did not leave the vehicle. Many peoples were gathered there. At that time, Sagar Walke, Bhawani Pawar and Shubham Mokle and the applicant went towards the informant. They picked up the stones and threw on both sides of the road of vehicle of the informant. The headlights of the informant's were also broken. Bhawani Pawar dragged the informant and Sagar Walke dragged Santosh, the informant's labourer from that vehicle

and beat them. At that time, Bhawani Pawar took out an iron rod and hit Santosh on the face, and in the said assault, Santosh lost his four teeth. At that time, the applicant took out a knife concealed at his waist and tried to stab the informant in the stomach, but the informant managed to avoid it, and the blow of the knife hit at the left side of his hip. The other accused persons assaulted the informant and his labour. Similarly, Mukund Janjire, the cousin of the informant and his father came there to save the informant. At that time, the applicant assaulted on the stomach of Mukund with a knife. He also sustained an injury to the left side of his stomach. The applicant and others convinced all of them not to beat them further. At that time, father of the informant came there to rescue them. All co-accused Sagar Walke and Bhawani Pawar pelted stones, in which he sustained injuries to his left hand. At that time, Shubam Mokle and Sagar Walke took out the bag of money kept in the vehicle and while running away, again they threw big stones from front side of the vehicle and caused damage to the vehicle of the informant. The amount of Rs.13,650/- were stolen. Therefore, report was lodged on the same day against the applicant and other accused.

4. Learned advocate for the applicant submitted that co-accused Nos. 2 and 3 i.e. Sagar Walke and Shubham Mokle are released on bail. The applicant is similarly situated to them and therefore, he is

entitled for bail. He, therefore, prayed for grant of bail to the applicant on the principle of parity and also considering the change in circumstances. He fairly conceded that the earlier bail application of the present applicant was withdrawn when this Court had expressed its disinclination to allow the application. It is lastly prayed to allow the application.

5. Learned A.P.P. for the respondent-State assisted by Mr. Kale, learned advocate, strongly opposed the application and pointed out the report in which it is averred that the applicant took out a knife concealed at his waist and tried to stab the informant in the stomach, but the informant managed to avoid it, and the blow of the knife hit at the left side of his hip. The applicant also parked his two wheeler on the road and stopped the informant. He started to abuse the informant and his labourer. The applicant is involved in a serious crime. There are three criminal antecedents of this applicant. There is evidence of eye witnesses which show that the applicant and co-accused attempted to commit murder of the informant and others by assaulting with the knife and stones. The applicant is identified in the test identification parade. They also stolen away the amount of Rs.13,650/- from the pickup vehicle of the informant. Considering all these aspects, it is lastly prayed to reject the application.

6. Perused the charge sheet, particularly the report and the statements of injured witnesses. In the daylight the incident in question took place. The applicant took out a knife and hit the left side of the informant's hip. The applicant herein parked his two wheeler on the road and stopped the informant's vehicle. He started abusing the informant and his labourer. The applicant has criminal antecedents of a similar nature. His earlier bail application was rejected on merits. However, considering his role and the fact that at his instance, incriminating material of the crime has been seized, though co-accused are released on bail, the principle of parity cannot be made applicable to this applicant. If the applicant is released on bail, he will certainly commit similar nature of crime, as he has criminal antecedents. There is possibility of pressurizing the prosecution witnesses on the part of this applicant. Therefore, the application deserves to be rejected, as he is not entitled for bail on the ground of parity. Hence, the following order:-

O R D E R

Application is rejected.

(SANJAY A. DESHMUKH, J.)