



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 BAIL APPLICATION NO. 1701 OF 2025

1] PRAVIN TUKARAM CHAVAN
2] RAJESH GULABRAO CHAVAN

VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for applicants : Mr. Ganesh Gadhe
APP for the respondent – State : Mr. S.G. Sangle
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 16 DECEMBER 2025

PER COURT :

The applicants have approached this Court seeking regular bail in connection with FIR bearing Crime No. 307 of 2025 dated 12.05.2025 registered with Basmath City Police Station, District - Hingoli for the offences punishable under section 103 r/w. 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under section 4/25 of the Arms Act.

2. The applicants were arrested on 12.05.2025, in relation to the death of the brother of the complainant, namely, Vishwanath on 11.05.2025, pursuant to which the investigation is set in motion. Initially, the complaint was against the unknown persons. Thereafter, on the basis of the secret information, the arrest of the present applicants was effected by the Police.

3. Learned counsel for the applicants submits that the case is based on circumstantial evidence and there is no incriminating material as against the applicants, to connect them with the alleged offence. Attention of this Court is invited to the statement of the witness, namely, Ashok Kachgunde, which is recorded under section 183 of the BNSS, the said witness does not refer to the present applicants and speaks of unidentified person in connection with the deceased.

4. Apart from above, the learned counsel for the applicants submits that there is no identification parade conducted. It is further submitted that in absence of criminal antecedents and fleeing risk of the applicants, the applicants deserve to be enlarged on bail.

5. The learned APP opposed the application, pointing out the material which is collected by the Investigating Officer in the shape of statements, seizure panchnama, containing photograph of deceased with cousin sister of deceased, is sufficient to connect the applicants in relation to the incident. As such, opposed the application.

6. Upon considering the submissions of both parties and perusing the material on record, including chargesheet, case is based on circumstantial evidence. Pertinently the statement of the witness – Ashok Kachgunde recorded under section 183 of the BNSS, which *prima facie*, does not name any of the person as such in absence of

incriminating material connecting the applicants to alleged incident, case is made out warranting consideration of application. In that view of the matter, the case is made out for grant of bail. The apprehension expressed by the learned APP, can be adequately taken care, by imposing stringent conditions.

7. Resultantly, the following order is passed :-

ORDER

(I) Application is allowed.

(II) Applicants – Pravin Tukaram Chavan and Rajesh Gulabrao Chavan, be released on regular bail upon furnishing P.R. bond in the sum of Rs.50,000/- (Fifty Thousand only) each with one or two local solvent sureties each in the like amount, in connection with Crime No. 307 of 2025 dated 12.05.2025 registered with Basmath City Police Station, District - Hingoli for the offences punishable under section 103 r/w. 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under section 4/25 of the Arms Act, on the following conditions :-

- (a) After their release from jail, the applicants shall report to the Investigating Officer as and when called for in writing.
- (b) The applicants shall attend the trial Court every month between 11.00 am to 1.00 pm. to mark his presence.
- (c) The applicants shall not enter Basmath city till the conclusion of the trial except for the purpose of attending the trial.

- (d) Applicants shall co-operate with the conduct of trial and attend trial Court on all dates unless specifically exempted and will not take any unnecessary adjournment.
- (e) Applicants shall not leave the State of Maharashtra without prior permission of the Trial Court.
- (f) The applicants shall not influence with any of the prosecution witnesses or tamper with the evidence, in any manner.
- (g) Before his actual release from jail, the applicants shall furnish their addresses where they propose to reside after their release from jail, to the concerned Police Station and also to the Trial Court.
- (h) In case of infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

8. The observations made herein-above are *prima facie* in nature and for the decision on Bail Application and the trial Judge shall not be influenced by the same and shall proceed on the merits of the case.

[SACHIN S. DESHMUKH]
JUDGE

arp/