



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 BAIL APPLICATION NO. 1745 OF 2025

1. Prakash Nana Pawar
 2. Shivram Dhanaji Pawar
 3. Santosh Hari Kumar
- ...Applicants

Versus

The State of Maharashtra

...Respondent

...

Advocate for Applicant : Ms. Mate Ashvini R.
APP for Respondents: Mr. P.P. Dawalkar

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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 in connection with crime No. 79 of 2025 registered with Dharashiv Rural police station, District Dharashiv, for the offences punishable under Sections 310(2) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned advocate for the applicants pointed out the report and submitted that the informant had been to Tuljapur for Darshan on 09.04.2025. On their way, at about 04.00 a.m. on 10.4.2025, some unknown persons had thrown jack like article and it caused damage to the gear box and radiator which caused failure of their vehicle and

the vehicle was stopped. The informant and his brother got down from the car. The unknown persons came there and started assaulting them. They snatched gold ornaments from the person of the informant and family members and also snatched the mobile hand set. The informant and his family members were resisted that assault. In the meanwhile, four unknown persons came there. They also started to assault on them with sticks. One out of them put a knife on the throat of daughter of informant and extracted ornaments. They also snatched ornaments from the person of the wife of informant. When suddenly the police came there, the applicant and others fled away from the spot. Therefore, report was lodged.

3. Learned advocate for the applicants submitted that the applicants are falsely implicated in the crime. Applicant Nos. 2 and 3 have no criminal antecedents. Nothing is recovered at the instance of the applicants. In the test identification parade, the applicants are not identified by the witnesses. The seizure Panchanama of the articles is doubtful. The applicants have roots in the society. The trial will take a long period. Learned advocate for the applicants lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that Aadhaar card of one of the victims

of the crime is found with applicant No.1. Though he is not identified in the test identification parade, the finding of Aadhaar card with applicant No.1 is serious evidence of conduct of applicant No.1. He pointed out that the applicants are involved in serious crime of dacoity. The said incidents are occurring frequently. He lastly prayed to reject the application.

5. On perusal of the charge sheet, particularly the report and the statements of witnesses as well as the test identification parade, it appears that though applicant No.1 is not identified by the witnesses in the test identification parade. The Aadhaar card of one of the victims of the crime is found with him. He has three criminal antecedents of same nature. If he is released on bail, certainly, he will pressurize the prosecution witnesses and tamper with the evidence. He will certainly commit a similar nature of crime. Considering all these reasons, application of applicant No.1 deserves to be rejected.

6. In so far as applicant Nos. 2 and 3 are concerned, except test identification parade, in which they are identified, there is no seizure of articles i.e. Muddemal of the crime, at their instance. There is no criminal antecedents of applicant Nos.2 and 3. The trial will take a long period. Considering the ages of the applicant Nos. 2 and 3, as

they are younger, their application deserves to be allowed on certain conditions as well as on the principle that the bail is rule and jail is exception. Hence, the following order.

O R D E R

- I. Application of applicant No.1 is rejected.
 2. Application of applicant Nos. 2 and 3 is allowed.
- II. The applicant Nos. 2 and 3 in connection with crime No. 79 of 2025 registered with Dharashiv Rural police station, District Dharashiv be released on bail on furnishing personal bond of Rs.25,000/- each with one surety each of the like amount on following conditions:-
- a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

(SANJAY A. DESHMUKH, J.)

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