



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1809 OF 2025

SANJAY RAJENDRA PAWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for applicant : Ms. Rashmi S. Kulkarni
APP for the respondent – State : Mr. V.M. Chate
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 8 DECEMBER 2025

PER COURT :

The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 76 of 2025 dated 03.03.2025 registered with Dhoki Police Station, District - Dharashiv for the offences punishable under section 309(6), 311, 331(8), 103(1), 3(5), 310(3) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that, informant Vijay Tanaji Mule lodged the FIR, stating that, he owns a goat farm at village Hingalajwadi, District – Osmanabad. On 03.03.2025, while his father was present in the goat farm in the night, at about 01.00 am, he received a phone call from one Ajit Bhong, informing that he heard hue and cry from the goat farm.

When the informant and his brother went to the goat farm, they saw some unknown persons, taking away their goats. Upon their arrival, said persons fled away. When the informant and his brother were looking for their goats, they found Sajay Rajendra Pawar hiding in the dark. On their interception, he disclosed names of the other accused.

Informant found that his father was lying in injured condition, who told him that some unknown persons assaulted him on head. The informant shifted his father to civil hospital at Osmanabad, but he did not survive. Thus, the aforesaid crime for the offence of robber and murder was registered.

3. Learned counsel for the applicant submits that the applicant is falsely implicated. There is variance in the statements of the witnesses recorded during the course of investigation about the alleged incident. It is further submitted that the co-accused no. 3 to 5 have been released on bail by the trial Court. Hence, prayed to release the applicant on the ground of parity.

4. The learned APP submitted that the offence is of serious nature. The punishment prescribed for the alleged offence levelled against the present applicant, is life imprisonment or death. There is sufficient direct evidence on record to indicate the complicity of the applicant in the crime. It is further submitted that the role of the present

applicant is distinct from that of the co-accused. As such, the applicant is not entitled for parity. Therefore, prayed for rejection of the application.

5. Upon considering the submissions and perusing the material on record, including the chargesheet indicates that the present applicant has been positively identified by the witnesses. The prosecution witnesses have indicated the applicant's presence in the field adjacent to the farm where the incident occurred, as well as his subsequent conduct in attempting to evade himself. The presence of the applicant, both immediately prior and post occurrence of the incident, has been specifically narrated by the prosecution witnesses. Thus, *prima facie*, there is sufficient corroboration between the statements of witnesses and the version of the informant, which sufficiently establishes the applicant's complicity in the alleged crime.

6. The Honourable Apex Court, in the case of ***Mahipal v. Rajesh Kumar and others, (AIR 2020 SC 670)*** has laid down the principle that bail can be refused when the material produced by the prosecution establishes a clear prima facie case. The Court should not conduct a mini trial; it should only examine whether the available evidence links the accused to the alleged offence.

7. The Honourable Apex Court has dealt in detail with the principle to parity in the case of ***Sagar v. State of UP and another (2025 SCC OnLine 2584)***. However, in the wake of the sufficient material on record indicating role of the applicant, his presence on the spot of the incident and considering the gravity of the offence, which is punishable by imprisonment for life.

8. In that view of the matter, I am not inclined to exercise discretion in favour of the applicant.

9. Resultantly, the application stands **rejected**.

[SACHIN S. DESHMUKH]
JUDGE

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