



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1835 OF 2025

Rohit Gangadhar Deshmukh
VERSUS
The State of Maharashtra

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- Mr. D. M. Shinde, Advocate for the Applicant
- Ms. D. S. Jape, APP for Respondent – State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 12.11.2025

PER COURT :

1. Not on board. Taken on board.
2. This Court, *vide* order dated 10.11.2025, had directed the Investigation Officer to remain present today along with the investigation papers to assist this Court. Today, the Investigating Officer is present along with the investigation papers.
3. Heard learned counsel for the applicant as also the learned APP, and perused the investigation papers.
4. The applicant has filed the present application seeking regular bail in connection with FIR bearing Crime No. 293 of 2025, dated 21.08.2025, registered with Kandhar Police Station, Dist. Nanded for

the offences punishable under Sections 310(2) of the Bhartiya Nyaya Sanhita, 2023.

5. The case of the prosecution is that the informant, who resides at Alibag, Raigad, had visited his village in connection with a Gharkul. On 20.08.2025, at about 6:30 p.m., he, along with his brother-in-law Bhaskar and another relative, went to Kurulekar Jewellers Market, Kandhar, where Bhaskar sold a one-tola gold ring for ₹40,000/-. After Bhaskar left for Sonkhed, the informant proceeded towards the Kandhar Bus Stand. At that time, accused No.1 approached him, inquired about liquor, and noticing his pocket, asked whether he was carrying cash. Both then boarded a bus from Kandhar to Jalkot. During the journey, accused No.1 briefly alighted at Bahadarpura due to traffic and re-entered the bus. At about 8:30–8:45 p.m., both got down at Bhojuwadi Phata and started walking towards Limba Tanda. About half a kilometer before Limba Tanda, accused No.1 pretended to attend nature's call and, along with two associates aged around 20–25 years, allegedly assaulted the informant. Accused No.1 bent him down, one associate beat him with a stick, and another snatched ₹40,000/-, while they issued threats to kill him. Meanwhile, the informant's brother and wife arrived, causing the assailants to flee. Based on this report, the crime was registered.

6. The learned counsel for the applicant submits that initially a complaint was filed against accused – Akash Rathod, who was arrested, and the name of the applicant was implicated by him as one of the assailants. While the applicant was in custody, an amount of Rs. 14,000/- was also recovered at his instance. The investigation is almost complete and the charge-sheet is about to be filed. The learned counsel for the applicant further submits that the applicant is falsely involved due to prior connection and that there are no criminal antecedents. It is further submitted that though the Investigating Officer has almost completed the investigation, he has failed to conduct the identification parade of the present applicant. Thus, as on date, there is nothing on record as credible evidence to bring home the guilt of the present applicant except the confession of the co-accused, which is not admissible in law.

7. It is further submitted that the applicant is having deep roots in society and he is ready to abide by any conditions that may be imposed by this Court and that he will neither tamper with the prosecution evidence nor threaten the witnesses and will attend the Investigating Officer as and when called. The applicant is a resident of three minutes' walking distance from the office of the Deputy Superintendent of Police at Kandhar, and the present applicant can very well be secured at the time of trial. It is also submitted that the

CDR relied upon by the prosecution does not establish the involvement of the applicant in the assault. It merely indicates his presence in Kandhar, where he resides.

8. As against this, the learned APP appearing for the State vehemently opposes the present application. It is her submission that the applicant is one of the assailants, who committed the said crime along with main accused – Akash Rathod. The applicant's name has surfaced after the arrest of the main accused – Akash Rathod. The offence of dacoity is punishable with life imprisonment. The applicant has also led to the recovery of amount of Rs. 14,000/- out of the total amount of Rs. 40,000/- robbed from the complainant by the applicant and other accused persons. She therefore, submits that as the charge-sheet is yet to be filed, there is every likelihood that the applicant may threaten the prosecution witnesses and cause prejudice to the prosecution case.

9. I have considered the application for bail. The Investigating Officer, who is present before this Court to assist, has submitted the investigation papers. The investigation papers indicate that the statement of the jeweller to whom the complainant has allegedly sold the ornaments and received Rs. 40,000/-, which amount was allegedly snatched away by the applicant along with main accused –

Akash Rathod, is not yet recorded by the Investigating Officer, thus, leaving a doubt about the prosecution story. Be that as it may, the observations made herein are prima facie in nature and are made only for deciding the present application, and the same shall not have any bearing upon any proceeding before any other Court.

10. After considering the case diary minutely, I am of the view that the investigation is almost complete and the charge-sheet is likely to be filed shortly. The apprehension of the learned APP that the applicant would threaten the prosecution witnesses and tamper with the prosecution evidence can very well be taken care of by imposing stringent conditions upon the applicant. Hence, the following order is passed:-

ORDER

- A) The applicant - Rohit Gangadhar Deshmukh shall be released on bail in connection with FIR bearing Crime No. 293 of 2025, dated 21.08.2025, registered with Kandhar Police Station, Dist. Nanded for the offences punishable under Sections 310(2) of the Bhartiya Nyaya Sanhita, 2023, on furnishing PR bond of Rs.50,000/- with one or two sureties in the like amount.
- B) The applicant shall attend the Investigating Officer every Monday and Thursday, till filing of the charge-sheet.
- C) The applicant shall make himself available to the

Investigating Officer as and when called.

- D) After filing of the charge-sheet, the applicant shall not leave the country without prior permission of the learned trial Court.
- E) The applicant shall attend each and every date of the trial, except under exigency, in which case he may seek exemption before the learned trial Court.
- F) The applicant shall not tamper with the prosecution evidence. A single report of the applicant threatening or pressurizing the witnesses shall entitle the prosecution to seek cancellation of bail.
- G) The applicant shall furnish his residential address, contact number, and copies of his Aadhaar / PAN Cards to the Investigating Officer, and shall also provide the names, addresses, and contact numbers of his close relatives for the purpose of verification.

11. The bail application is allowed in the aforesaid terms.

(MEHROZ K. PATHAN, J.)