



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

928 BAIL APPLICATION NO. 1882 OF 2025

POPAT ALIAS BHAWDYA LAHANU WAGH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mrs. Pooja Langhe a/w Mr. Vijay Langhe.
APP for Respondent / State : Mr. N. B. Patil.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 15th October, 2025.

P.C.:

1 Heard.

2 This is an application, under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short "the BNSS"), for grant of
regular bail in connection with Crime No.3 of 2025, registered with
Virgaon Police Station, District Chhatrapati Sambhajinagar (Rural), for
the offence punishable under Section 103(1) read with 3(5) of the
Bharatiya Nyaya Sanhita, 2023 (for short, "the BNS").

3 The learned counsel for the applicant pointed out the
report in which it is averred that on 6th January, 2025 at about 09:50
pm, the informant got information that his brother-in-law Sunil Wagh
was lying near to the Samaj Mandir. He went there. He saw that Sunil

was unconscious. He got information that the applicant and other accused assaulted Sunil by sticks on account of earlier quarrel.

4 The learned counsel for the applicant pointed out that the role of the applicant from the statement of Dilip Wagh, an eye-witness of the incident, whose statement is recorded before the police, who stated that the applicant assaulted Sunil by kicks and fist blows on the face of Sunil. Another co-accused assaulted on his neck and face. The learned counsel for the applicant pointed out the report and the statements of the witnesses. She further pointed out that co-accused, who videographed the incident, is released on bail. It is lastly prayed to allow the application, as the applicant has roots in the society and he will not flee away from the trial.

5 The learned APP for the State strongly opposed the application and pointed out the statement of witness Dilip Wagh, recorded before the learned Judicial Magistrate First Class, in which he has stated that the applicant drove his motorcycle when Sunil was lying injured there. The motorcycle was driven on the private part and chest of Sunil. The applicant is involved in the serious crime. If he is released on bail, he will pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the statements of witnesses.

7 From the statement recorded before the learned Judicial Magistrate First Class, though it is shown that the motorcycle was driven on the private part and chest of Sunil, no such injury is finding in the postmortem report. The role of the applicant is that he beat Sunil by kicks and fist blows. Co-accused has assaulted Sunil by the stick. Considering all these aspects and fact that the applicant has roots in the society, investigation is over and the trial will take a long period, the application deserves to be allowed on the principle that bail is rule and jail is exception, on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.3 of 2025, registered with Virgaon Police Station, District Chhatrapati Sambhajinagar (Rural), for the offence punishable under Section 103(1) read with 3(5) of the Bharatiya Nyaya Sanhita, be released on bail on furnishing personal bond of Rs.15,000/- each with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with

the prosecution evidence, in any manner.

- b) The applicant shall not enter into village Chinchadgaon, Taluka Vaijapur, District Aurangabad, for one year.

[SANJAY A. DESHMUKH, J.]

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