



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1904 OF 2025

1. Akash Shivaji Rashivant
2. Pawan Shivaji Rashivant

VERSUS

The State Of Maharashtra And Another

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- Mr. Sanket S. Kulkarni, a/w. Mr. Sarveshwar T. Bhimak, Advocates h/f. Mr. S. V. Kurundkar., Advocate for Applicants
- Mr. S. M. Ganachari, APP for Respondents - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 17.11.2025

PER COURT :

1. The applicants have 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.

2. The prosecution's case, as per the First Information Report (FIR) dated 21.08.2025, is that on 20.08.2025, the informant, after selling a gold ring for ₹40,000/-, was approached by accused No.1 near Kandhar Bus Stand. Accused No.1 and the informant later boarded a bus towards Jalkot. After alighting at Bhojuwadi Phata,

they walked towards Limba Tanda. About half a kilometre before Limba Tanda, accused No.1, along with two associates, allegedly assaulted the informant, snatched ₹40,000/-, and issued threats. The assailants fled upon the arrival of the informant's brother and wife.

3. The learned counsel for the applicants submits that the investigation is complete, and another similarly charged co-accused, Rohit Gangadhar Deshmukh, was already released on bail by this Court vide order dated 12.11.2025 (in ABA No. 1835 of 2025) on the ground of completed investigation and the failure to conduct an identification parade. It is submitted that the present applicants are similarly placed, and therefore, they are entitled to similar relief.

4. I have perused the investigation papers and the order dated 12.11.2025 passed by this Court. The investigation is complete, and the charge-sheet is due to be filed. Crucially, the Investigating Officer has failed to conduct an identification parade for any of the accused. In the absence of an identification parade, there is, prima facie, no credible evidence at this stage to connect the applicants to the crime. Since a co-accused has already been enlarged on bail on similar grounds, the present applicants are also entitled to the benefit of parity. It is clarified that these observations are prima facie in nature and only for the purpose of deciding the bail application; they shall

not affect the merits of the trial or any other proceeding before any other Court.

ORDER

- A)** The applicants - *Akash Shivaji Rashivant* and *Pawan Shivaji Rashivant* shall be released on 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, on furnishing PR bond of Rs.50,000/- each, with one or two sureties in the like amount.
- B)** The applicant shall attend the Investigating Officer every Monday and Thursday, until filing of the charge-sheet.
- C)** After filing of the charge-sheet, the applicant shall not leave the country without prior permission of the learned trial Court.
- D)** 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.
- E)** The applicants shall not directly or indirectly indulge in tampering with the prosecution evidence or intimidating/pressurizing the witnesses. A single report of the applicant threatening or pressurizing the witnesses shall entitle the prosecution to seek cancellation of bail.

- F)** The applicants shall furnish their current residential address, contact number, and copies of their Aadhaar/PAN Cards to the Investigating Officer, and shall also provide the names, addresses, and contact numbers of their close relatives for the purpose of verification.
- 5.** The bail application is allowed in the aforesaid terms.

(MEHROZ K. PATHAN, J.)