



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1939 OF 2025

1. VAIBHAV ALIAS GAJU PANDHARINATH KERE
2. SACHIN S/O. SUBHASH KERE
3. DHARBA @ BALIRAM BIRADE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Nilesh S. Ghanekar
APP for Respondent : Mr. D. S. Jape
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 22-12-2025

PER COURT:-

1. The applicants seek regular bail in connection with Crime No.193 of 2025 dated 20.04.2025, registered with Vaijapur Police Station, District Aurangabad, for the offences punishable under Sections 61(A)(B), 62, 310(4), 326(g), 324(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 3, 4 and 7 of the Prevention of Damage to Public Property Act, 1984. In the said crime, the applicants are arrested on 22.04.2025. The chargesheet is filed on 20.04.2025.

2. The prosecution case is that the informant, who serves as the Manager of the Maharashtra Gramin Bank, Vaijapur Branch, reported that on 10.04.2025 at approximately 3.24 a.m., his officer informed him that a fire had taken place at the bank. Accordingly,

the manager and the cashier arrived at the scene. Upon inspection, they discovered that ATM cards, cheque books, DD books, loan files, and other items were burnt, resulting in a total loss estimated at Rs.15 lakhs. The manager, subsequently, learnt that four unknown individuals deliberately set the bank on fire with intent to commit dacoity. The fire was extinguished by the Fire Brigade. Hence, the first information report is filed.

3. During the investigation, a police team, which included personnel from the Bomb Detection and Disposal Squad (BDDS) and Forensic department employees, found a Swift car bearing registration number MH-14-BX-7988 parked at the scene. Upon inspection of the vehicle, the team discovered a tammy (crowbar), a *koyata* (machete), an electric cutter, and two additional number plates with registration numbers MH-04-DH-4511 and MH-18-AU-4316. The police seized all aforementioned articles and prepared a spot panchnama (a record of evidence collected at the scene). Further investigation and an extrajudicial confession from the accused and the applicants came to be arraigned as accused.

4. The learned counsel for the applicants submits that the prosecution lacks direct evidence against the applicant - Vaibhav, relying entirely on co-accused confessional statements, those are inadmissible as per the provisions of the *Bharatiya Sakshya Adhiniyam, 2023*. It is contended that offense of dacoity is not

applicable as nothing was stolen. It is further submitted that the investigation is complete and the chargesheet is filed. Thus, no fruitful purpose would be served by keeping the applicants behind the bars.

5. The learned A.P.P. strongly opposed the bail application, submitting that the offense is a long drawn conspiracy aimed not at theft, but specifically to destroy evidence. The discovery of the Swift car at the scene provided crucial circumstantial evidence linking the applicants to the crime. The A.P.P. contended that the present accused played an equal role in the conspiracy, assisting the prime accused, Bharat, from the hatching of the plan conspiracy even going so far as providing fake documents for the purchase of the getaway car. Citing the gravity of the circumstances. Hence, prayed to reject the application.

6. Having heard both the sides and perusing the papers including the chargesheet, *prima facie*, indicates that the arrest of applicant is premised on suspicion only, and *prima facie* there is absence of incriminating material as against the present applicant. The allegations against applicant No.1/accused No.3 are at par with Akshay/accused no. 1, who has been enlarged on bail vide order of this Court, in BA/1546/2025, dated 23.09.2025. Accordingly, applicant No.1 deserves to be released on bail on the ground of parity.

7. Considering the material on record as against applicants No.2 and 3, when this Court has shown disinclination, the learned counsel, on instructions, does not press the application to their extent. Accordingly, the bail application of applicants No.2 and 3 is dismissed as withdrawn.

8. In the light of the aforesaid facts and circumstances of the case, the application deserves to be allowed.

9. Hence, following order:-

ORDER

- (i) The bail application of applicant No.1 is allowed.
- (ii) Applicant No.1, Vaibhav @ Gaju s/o. Pandharinath Kere, be released on regular bail, upon furnishing P.R. bond in the sum of Rs.50,000/- (Fifty Thousand only) with one or two local solvent sureties in the like amount, in connection with Crime No.193 of 2025 dated 20.04.2025, registered with Vaijapur Police Station, District Aurangabad, for the offences punishable under Sections 61(A)(B), 62, 310(4), 326(g), 324(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 3, 4 and 7 of the Prevention of Damage to Public Property Act, 1984, on the following conditions :-
 - (a) Applicant No.1 shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

- (b) Applicant No.1 shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.
- (c) Applicant No.1 shall not tamper with the prosecution evidence and he shall not influence the informant, witnesses and other persons concerned with the case.
- (d) Applicant No.1, upon being released on bail, shall place on record of the trial Court the details of his Contact Numbers and detailed residential addresses with updates in case of any changes.
- (e) In case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.
- (iii) Needless to state that the observations rendered hereinabove are to the extent of consideration of the bail applications and trial judge may not get influenced by these observations and shall consider the case/s on the basis of evidence on record and in accordance with law.

[SACHIN S. DESHMUKH]
JUDGE

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