



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

BAIL APPLICATION NO. 1990 OF 2025

CHINGYA ALIAS SANDESH GANESH KHADKE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sopan G. Bobade
APP for Respondent : Mr. V. M. Chate
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 17-12-2025

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.I-197 of 2025 dated 07.08.2025, registered with Police Station Pundliknagar, Chhatrapati Sambhajinagar, for the offences punishable under Sections 109(1), 189(1), 189(2), 191(10), 191(3), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 135 of the Maharashtra Police Act.

2. The prosecution case is that on 11.05.2025 at about 11.45 p.m., the informant was proceeding towards his house after completing his work. At the relevant time, the informant was talking with accused No.3 and 4 by the road side. Thereafter, accused No.1, 2 and one unknown person came on a scooter and assaulted the informant with knife on account of his refusal to give them money for purchase of liquor. Subsequently, the informant was admitted in the hospital. Hence, the first information report.

3. Learned counsel for the applicant submits that the applicant is a student and falsely implicated in the alleged crime. There is no corroboration in relation to active participation of the applicant. The statements of the witnesses are recorded afterthought. There is delay in recording the statements of the witnesses. The investigation is complete and the chargesheet is filed. The custodial incarceration of the applicant is not warranted. Hence, prayed to admit the applicant on bail.

4. Learned A.P.P. submits that the offence is serious in nature. There is sufficient evidence on record to establish the complicity of the applicant with the alleged offence. If the applicant is enlarged on bail, there is every possibility of tampering the prosecution witnesses. As such, prayed for rejection of the application.

5. Upon considering the submission of both the sides and perusing the material on record including the chargesheet, indicates that the incident has occurred at the spur of moment and therefore, *prima facie*, there was no motive. There appears delay in recording the statements of witnesses to the alleged incident.

6. Apart from the aforesaid aspects, investigation of the case has been completed and chargesheet is also filed. Nothing remains to be recovered at the instance of the applicant. Thus, no fruitful purpose would be served by keeping applicant behind the bars.

7. Keeping in view the peculiar facts and circumstances of the case, the applicant's right to liberty needs to be upheld. The apprehension of the learned A.P.P. about tampering the prosecution evidence can be adequately taken care of, by imposing stringent conditions.

8. In that view of the matter, the applicant deserves bail. Hence, the following order;

ORDER

- (i) Bail application is allowed.
- (ii) Applicant Chingya Alias Sandesh Ganesh Khadke be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only), with one solvent surety of the like amount in Crime No.I-197 of 2025 dated 07.08.2025, registered with Police Station Pundliknagar, Chhatrapati Sambhajnagar, for the offences punishable under Sections 109(1), 189(1), 189(2), 191(10), 191(3), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 135 of the Maharashtra Police Act, on the conditions that;
 - (a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.

- (c) The applicant shall submit his Aadhar and Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
- (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE

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