



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 BAIL APPLICATION NO. 2018 OF 2025

PARDESH SUNIL PAWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for applicant : Mr. N.R. Shaikh
APP for the respondent – State : Mr. V.M. Chate
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 19 DECEMBER 2025

PER COURT :

The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 380 of 2024 dated 17.09.2024 registered with Khultabad Police Station, District – Chhatrapati Sambhajinagar for the offences punishable under section 310(3) of the Bharatiya Nyaya Sanhita, 2023.

2. In the incident dated 17.09.2024, allegedly the applicant accompanied with other accused persons entered the house for committing the robbery. In the process, the house trespass was committed by the accused persons. Upon resistance, the blow of knife was inflicted in the abdomen of the deceased and even blows with the wooden log were inflicted. When the complainant resisted, the accused persons, she was also assaulted by the accused persons. It

is further alleged that on account of the assault inflicted by these accused persons to husband of the complainant has succumbed to the injuries.

3. Learned counsel for the applicant Mr. Shaikh submits that the applicant is arrayed as an accused on the basis of the statement of the co-accused which is inadmissible in law. Arrest of the applicant is effected from Khultabad. Nothing is recovered at the instance of the present applicant and the recovery of the alleged knife used in the incident is recovered at the instance of accused – Avinash Kale. The applicant had no association with the co-accused. The test identification parade of the applicant is also not conducted. Thus, in view of the aforesaid facts, prayed to allow the application.

4. Mr. Chate, learned APP has vehemently opposed the application, submitting that the applicant is involved in a serious offence of robbery. In the process, because of assaults inflicted by these accused person, the husband of the complainant has lost the life. It is further submitted that there are criminal antecedents against the applicant which disentitle the applicant to claim for enlarging on bail.

5. Having heard the respective counsel, perused the material on record, including the chargesheet, admittedly, no test identification parade is conducted in relation to the present applicant and the arrest

of the applicant is effected on the basis of statements of the co-accused and there is no recovery at the instance of the accused.

6. The investigation is complete for all intent and purpose. Resultantly, chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution propose to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further detention of the applicant as an under-trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

7. Resultantly, the following order is passed :-

ORDER

(I) Application is allowed.

II) Applicant – Pardesh Sunil Pawar, 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. 380 of 2024 dated 17.09.2024 registered with Khulatabad Police Station, District – Chhatrapati Sambhajinagar for the offences punishable under section 310(3) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

(a) After his release from jail, the applicant shall report to the Investigating Officer as and when called for in writing.

- (b) The applicant shall attend the trial Court every month between 11.00 am to 1.00 pm. to mark his presence.
- (c) Applicant shall co-operate with the conduct of trial and attend trial Court on all dates unless specifically exempted and will not take any unnecessary adjournment.
- (d) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court.
- (e) The applicant shall not influence with any of the prosecution witnesses or tamper with the evidence, in any manner.
- (f) Before his actual release from jail, the applicant shall furnish his address where he propose to reside after his release from jail, to the concerned Police Station and also to the Trial Court.
- (g) In case of infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

8. Needless to state that the observations rendered herein-above are to the extent of consideration of the bail application and trial Judge may not get influenced by these observations and shall consider the case on the basis of evidence on record and in accordance with law.

[SACHIN S. DESHMUKH]
JUDGE

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