

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 BAIL APPLICATION NO. 1930 OF 2025

DEEPAK ALIAS CHAKYA VINOD BHOKARE
VERSUS
THE STATE OF MAHARASHTRA

AND
BAIL APPLICATION NO. 2140 OF 2025

SHAIKH AYAN ALIAS MARK SHAIKH LATIF
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for applicant : Mr. S.G. Magre (BA/1930/2025)

Advocate for applicant : Mr. S.W. Munde (BA/2140/2025)

APP for the respondent – State : Mr. S.M. Ganachari, Ms. R.R. Tandale

...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 19 DECEMBER 2025

PER COURT :

The applicants have approached this Court seeking regular bail in connection with FIR bearing Crime No. 302 of 2024 dated 13.04.2024 registered with Nanded Rural Police Station, District - Nanded for the offences punishable under section 302, 307, 143, 147, 148, 149, 34 of the Indian Penal Code, under section 4/25, 4/27 of the Arms Act.

2. The incident which occurred in the intervening night of 13th and 14th April, 2024 at 00=30 to 00=45 hours, wherein it is alleged that the deceased was assaulted by 7-8 persons while covering their face and the accused – Sikandar was identified by the informant.

3. Learned counsel for the applicants submit that the applicants are not named in the FIR. The implication of the applicants, is in the supplementary statement after two weeks. There is no recovery at the instance of the present applicants. The test identification parade is not conducted.

4. Learned counsel for the applicants further submitted that since the applicants are similarly situated at par with applicant / co-accused in Criminal Application No. 9 of 2025, wherein this Court, by order dated 27.03.2025, has granted bail to the co-accused (Shaikh Nayyum S/o. Shaikh Mehaboob), as such, the applicants are entitled for bail on the ground of parity. In any case, the chargesheet is filed. As such, their further incarceration is not necessary.

5. Mr. Ganachari and Ms. Tandale, learned APPs have opposed the applications, pointing at the number of injuries inflicted by the accused. Considering the gravity of offence and in all 7-8 assailants were involved in the alleged incident are specifically named in the supplementary statement. Hence, prayed to reject the application. Moreover, expressed an apprehension that if released on bail, the applicants may influence the prosecution witnesses.

6. Considering the submissions and perusal of the record, including chargehsheet, the applicants are not named in the FIR and also in absence of test identification parade. Keeping in view, that the

co-accused is released on bail, same entitle the applicants for parity. The investigation is complete for all intent and purpose. Resultantly, chargesheet is filed.

7. 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 applicants. The apprehension expressed by the learned APP, can be adequately taken care of, by imposing stringent conditions.

8. Resultantly, the following order is passed :-

ORDER

(I) Applications are allowed.

II) Applicants – Deepak alias Chakya Vinod Bhokare and Shaikh Ayan Alias Mark Shaikh Latif, be released on regular bail upon their furnishing P.R. bonds in the sum of Rs.50,000/- (Fifty Thousand only) each with one or two local solvent sureties each in the like amount, in connection with Crime No. 302 of 2024 dated 13.04.2024 registered with Nanded Rural Police Station, District - Nanded for the offences punishable under section 302, 307, 143, 147, 148, 149, 34 of

the Indian Penal Code, under section 4/25, 4/27 of the Arms Act, on the following conditions :-

- (a) After their release from jail, the applicants shall report to the Investigating Officer as and when called for in writing.
- (b) The applicants shall attend the trial Court every month between 11.00 am to 1.00 pm. to mark his presence.
- (c) The applicants shall not enter within the jurisdiction of Nanded Rural Police Station, till conclusion of the trial.
- (d) Applicants 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.
- (e) Applicants shall not leave the State of Maharashtra without prior permission of the Trial Court.
- (f) The applicants shall not influence with any of the prosecution witnesses or tamper with the evidence, in any manner.
- (g) Before their actual release from jail, the applicants shall furnish their addresses where they propose to reside after their release from jail, to the concerned Police Station and also to the Trial Court.
- (h) 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.

9. Needless to state that the observations made herein-above are confined to decision on the bail application and the trial Judge may not get influenced by the same and decide the case on the basis of the evidence on record and in accordance with law.

[SACHIN S. DESHMUKH]
JUDGE

arp/