



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

BAIL APPLICATION NO. 2164 OF 2025

Chetan Sanjay Sirsath
Versus
The State of Maharashtra.

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Mr. Shaikh Ashraf Patel, Advocate for the applicant.
Mrs. P.J. Bharad, APP for respondent

CORAM : MEHROZ K. PATHAN, J.

DATE : 28th NOVEMBER, 2025.

P.C. :-

1. The applicant has approached this Court seeking regular bail in connection with Crime No. 276 of 2025, registered with City Chowk Police Station, Chhatrapati Sambhaji Nagar city, Dist. Chhatrapati Sambhaji Nagar, for the offence punishable under Sections 109, 115-2 of Bhartiya Nyaya Sanhita, under Sections 4 and 25 of the Arms Act and under Section 135 of the Maharashtra Police Act.

2. The prosecution case, as per the report lodged by Rohit Rajendra Tupe, is that on 30.7.2025 at about 10.00 p.m., he parked his auto rickshaw near Church and when he was proceeding to his house, the pet dog of Sanjay Sirsath barked on him. When he asked Sanjay Sirsath to keep the dog inside, he caught hold of his collar and beat him. His sons Anand Sirsath and Chetan Sirsath also beat him. After some time, when the informant's brother Akshay Tupe came, he narrated the incident. Thereafter, they went for inquiry with Sanjay Sirsath. At that time, Anand Sirsath came with a sword and gave a blow over the head of informant. Sanjay Sirsath assaulted him by knife. However, informant saved himself and pushed Sanjay Sirsath away. Then, Sanjay Sirsath,

Anand Sirsath and Chetan Sirsath assaulted Akshay Tupe and caused him serious injury. Injured was then taken to hospital.

3. The learned counsel for the applicant submits that the applicant though is stated to have been present during the scuffle that took place between the complainant and the family of the applicant, however, no role is attributed to the applicant in causing injury on the complainant. The role of the father of the applicant, namely, Sanjay Shirsath and his brother Anand is more prominent and the role of the applicant is stated to be general in nature as per the statement of the informant Rohit and his cousin brother Akshay Tupe.

4. It is further submitted that the applicant is a student and is having no criminal antecedents to his discredit and that the investigation is already completed and charge sheet is also filed. Hence, taking into consideration the above facts, he may be released on bail as he is ready to abide by any conditions that may be imposed by this Court while releasing the applicant on bail.

5. As against this, learned APP vehemently opposes the application on the ground that the applicant is involved in a serious offence of attempt to commit murder which is punishable with life imprisonment. The applicant has also played an active role in causing the injuries sustained by informant Rohit and his brother Akshay Tupe. The statement of complainant Rohit and his brother Akshay is also recorded before the learned Magistrate under Section 183 of the BNSS, wherein, they have narrated the role of the present applicant. Thus, taking into consideration the serious nature of crime and also the fact that the applicant is resident of the same area, there is every likelihood that there would be disturbance of law and order and the applicant may indulge into a cognizable offence, if released on bail. She, therefore,

prays for rejection of the application.

6. I have considered the submissions advanced by learned counsel for respective parties and also perused the charge sheet with the assistance of the learned counsel for the applicant as well as the learned APP. Perusal of the statement of the complainant Akshay Tupe, one of the injured witnesses, would show that accused Anand Sirsath (brother of applicant) is attributed the role of assaulting informant Rohit by means of a sword, whereas, Sanjay Sirsath (father of applicant) is attributed the role of inflicting injury by means of a knife.

7. The role attributed to present applicant- Chetan is general in nature in so far as the statement of Akshay recorded under Section 181 BNSS is concerned. Perusal of the injured witness Akshay recorded under Section 183 of BNSS, would show that there is variance in so far as the role of present applicant is concerned wherein it is stated that the applicant Chetan has assaulted informant Rohit by means of a wooden stick. The statement further reveals that Chetan has also used sword to assault injured witness Akshay causing bleeding injury. Thus, the statement of Akshay under Section 183 of BNSS is in variance with his statement under Section 181 of BNSS dated 1.8.2025.

8. The statement of complainant Rohit recorded under Section 183 of BNSS would show that there is no role attributed to the applicant in committing any overt act of causing any injuries by the present applicant on complainant Rohit Tupe. Presence of the applicant, however, is stated in both the statements. I have taken into consideration the inconsistencies in the version of the complainant and injured witness in their statement under Section 181 of BNSS and 183 of BNSS and also considered the injury certificates, which shows that both the complainant Rohit and witness Akshay has received injuries which are simple in

nature and also considered the fact that the investigation is complete and charge sheet is filed. The main assailants Anand and Sanjay Sirsath are already arrested and behind bars. The memorandum under Section 23 of the BNSS would show recovery of weapons only from accused Anand i.e. sword and nothing is recovered at the instance of the applicant. Therefore, in my opinion, no fruitful purpose would be served by further detention of the present applicant. However, the apprehension of the learned APP can be taken care of, by imposing stringent conditions upon the present applicant. Hence, the following order :-

ORDER

- [I] The application is allowed ;
- [ii] The applicant – Chetan Sanjay Sirsath, be released on bail, in connection with Crime No. 276 of 2025, registered with City Chowk Police Station, Chhatrapati Sambhaji Nagar city, Dist. Chhatrapati Sambhaji Nagar, for the offence punishable under Sections 109, 115-2 of Bhartiya Nyaya Sanhita, under Sections 4 and 25 of the Arms Act and under Section 135 of the Maharashtra Police Act, on furnishing P.B. and S.B. in the sum of Rs. 50,000/-, on the following conditions :-
 - [i] The applicant shall not enter the jurisdiction of City Chowk Police Station, Dist. Chhatrapati Sambhajnagar till framing of the charge, except for attending the police station.
 - [ii] The applicant shall attend the police station as and when called by the I.O.
 - [iii] The applicant shall not tamper with the prosecution evidence; and shall not influence the witnesses.
 - [v] The applicant shall furnish his Aadhar Card and Pan Card alongwith their present address and phone numbers

and addresses of the applicant's two near relatives to the I.O.

[vi] A single violation of the conditions imposed, may entitle the prosecution to seek cancellation of bail.

[vi] The application is disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-