



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2173 OF 2025

Sagar Bhagwat Bharaskar

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....
Advocate for Applicant : Mr. Abhaysinh K. Bhosle
APP for Respondents: Mrs. D.S. Jape.

CORAM : MEHROZ K. PATHAN, J.

DATE : 24TH NOVEMBER, 2025.

P.C. :-

1. The applicant is seeking his release on regular bail in connection with Crime No. 1000 of 2025, registered at MIDC Waluj Police Station, Dist. Sambhajinagar for the offences punishable under Sections 3,4, 25 of the Arms Act, under Section 135 of the Maharashtra Police Act and under Sections 109(1), 140(4), 142, 351(2), 3(5) of the Bhartiya Nyaya Samhita.

2. The prosecution story is that, on 25.9.2025, informant Akshay Istakke, lodged a report alleging that on 24.9.2025 at around 4.30 p.m. while returning back from his office, he received a call from his friend Bholenath Shamrao Kedminche informing that he owes Rs. 6,00,000/- (rupees six lakhs) to the applicant and for that the applicant and co-accused Yogesh alongwith two unknown persons brought him to Dhule-Solapur Highway and asked to repay the amount that day itself or else, the complainant will be in trouble. He asked the informant to come

at Shivrana Chowk, Waluj and resolve the issue. For that purpose, informant alongwith other mutual friends gathered at the place and called the co-accused Yogesh to meet and resolve the matter. Co-accused asked them to come near H.P. Gas Agency where they can work out the issue. When they all met at the spot of incident, Bholenath asked the co-accused Yogesh to stay away from the matter as the transaction is between him and the applicant. Hearing this, co-accused Yogesh Sangle took out a pistol and pointed it out at Bholenath. Due to sudden scuffle, Yogesh dropped the magazine of the pistol and so the other unknown accused inflicted knife blows on his back and stomach. Looking at this, informant and friends ran away and Bholenath also escaped from clutches. All the accused fled away from the spot. Later, informant and other friends took injured Bholenath to hospital for treatment.

3. The applicant is arrested on 25-9-2025. The learned counsel for the applicant submits that the applicant is not even attributed a single overt act either in the FIR or in the statement recorded by the police, as the applicant was not present at the second incident which took place between 8 to 8:30 pm. He further submits though the applicant had quarrel with injured Bholanath for return of Rs. 6 Lakhs. However at the time of incident of the assault, the other 3 accused namely, Yogesh, Raj Barfe and another were only present even as per the FIR and the statement of injured Bholanath. He further submits that since the applicant is arrested on 25-9-2025 and the investigation is almost complete he may be released on bail as he undertakes to abide by any conditions that may be imposed by this court. Merely criminal antecedents by itself would not preclude this court to consider the merits of this matter which does not show any role attributed to the applicant.

4. As against this learned APP submits the applicant has criminal history having many offences registered against him for bodily

injuries. He puts on record the number of crimes registered against the present applicant, wherein the applicant has used dangerous weapons to inflict injuries upon the victims. He further submits that the injuries sustained by victim Bholenath is also grievous in nature. That is abdominal injury with bladder perforation. She therefore submits that looking to the gravity of offence and as there is a conspiracy angle also, which is to be investigated, the applicant may not be released on bail. The investigation is not yet completed and charge sheet is yet to be filed.

5. I have seen the investigation papers made available by the learned APP. The statement of injured witness Bholanath reveals that though the applicant was present at the time of incident at 4:30 P.M., the statement of Bholenath does not show that the applicant was present in the subsequent incident of assault at about 8 to 8:30 P.M. There is nothing on record to show that the applicant had assaulted the victim Bholanath or the complainant- Ajay. It is settled law that criminal antecedents by itself would not preclude this court to look into the merits of the allegations against the applicant who are prosecuted and behind bars. I have minutely perused the case diary so as to find out whether the allegations about any overt act on the part of present applicant, which surprisingly, is not there in the case diary, except for the allegations of applicant accompanying the victim Bholanath to one Yogesh Sangle at 4:30 P.M. In the subsequent incident at 8.30 p.m. the applicant's role is not mentioned. It is also not clear whether he was present in the Scorpio Car at the time of second incident. Therefore in my opinion as the investigation is almost complete, in so far as the role of the present applicant is concerned, no fruitful purpose would be served by keeping the applicant behind bars. So far as the apprehension of the learned APP is concerned same can be taken care of by imposing stringent conditions. Hence the following order.

ORDER

[I] The application is allowed ;

[ii] The applicant – Sagar Bhagwat Bharaskar. be released on bail, on furnishing P.B. and S.B. in the sum of Rs. 50,000, each in connection with Crime No.1000 of 2025, registered at MIDC Waluj Police Station, Dist. Sambhajinagar for the offences punishable under Sections 3,4, 25 of the Arms Act, under Section 135 of the Maharashtra Police Act and under Sections 109(1), 140(4), 142, 351(2), 3(5) of the Bhartiya Nyaya Sanhita. on the following conditions :-

[i] The applicant shall not tamper with the prosecution evidence; and shall not influence the witnesses.

[ii] The applicant shall attend the concerned police station on every Thursday, Friday and Saturday from 12 noon to 2 P.M., till filing of charge sheet.

[iii] The applicant shall not enter Chatrapati Sambhaji Nagar city till recording of evidence of the primary witnesses complainant Akshay and injured witness Bholanath. except for attending the police station as stated above.

[iv] The applicant shall submit his current address and mobile number and also submit the addresses and mobile numbers of two his near relatives to the I.O.

[iv] The application is disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-