



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 BAIL APPLICATION NO. 2200 OF 2025

PANKAJ ALIAS SANDIP REWARAM KAHAR
VERSUS
THE STATE OF MAHARASHTRA

WITH
CRIMINAL APPLICATION NO. 4780 OF 2025
IN BA/2200/2025

(ABHISHEK S/O. RAMESHCHANDRA RAWAT
V.
THE STATE OF MAHARASHTRA AND ANOTHER)

...
Advocate for applicant : Mr. Shaikh Faisal Naseemuddin
APP for the respondent – State : Ms. R.R. Tandale
Advocate for assit APP : Mr. Shaikh Mohammad Naseer A.
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 24 DECEMBER 2025

PER COURT :

The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 120 of 2025 dated 07.05.2025 registered with Bhusawal City Police Station, District - Jalgaon for the offences punishable under section 115(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, section 37(1) and 135 of the Maharashtra Police Act.

2. It is the prosecution case that in the night intervening 06.05.2025 and 07.05.2025 at around 01.30 am, when the victim

Abhishekh was on his way back to home at railway colony, Bhusawal, the applicant and his companions unnecessarily picked up quarrel with the victim, assaulted him with fist and kick blows and when proceeded victim towards his house, he was caught in the courtyard of his house and was stabbed repeatedly with knife by the co-accused.

3. Learned counsel for the applicant submits that initially, the FIR was registered against the unknown persons and the applicant is arrayed as an accused on the basis of the test identification parade. It is contended that the said test identification parade conducted is in violation of the requirements as mandated in the Criminal Manual. It is further submitted that the applicant is a teenager and a student pursuing education. As such, learned counsel for the applicant submits that the prolonged incarceration could severely impact the future of the applicant. In order to support the same, reliance is placed on decision rendered by this Court in case of **Aniket Santosh Gupta Vs. State of Maharashtra and another** (Criminal Bail Application No. 1250 of 2024 – order dated 15.04.2025) and connected bail application.

4. Learned counsel for the applicant further submits that the co-accused, namely, Sumit is released on bail by the trial Court. The investigation is complete and the chargesheet has been filed. Consequently, the incarceration of applicant is unjustified. Hence, prayed to allow the application.

5. Learned APP has opposed the application, submitting that the offence is serious in nature. The applicant stabbed the informant on vital parts of the body causing grievous injuries. Hence, prayed to reject the application.

6. Having heard the submissions of both the sides, and upon perusal of the material on record including the chargesheet, indicates that the necessary recovery has been carried out by the investigating agency. The present applicant was allegedly part of the group which had attacked the informant. The co-accused of the said group has been released by the trial Court on bail. Thus, the applicant, having similar role in the alleged incident, is entitled for parity.

7. Furthermore, the applicant is only 19 years and is pursuing his studies. The record further indicates that the applicant is also a sportsperson practising boxing and the consequence of prolonged incarceration needs to be considered in his favour.

8. Undoubtedly the trial will determine the punishment for the offence. While considering Bail Applications in such facts, Court feels that reform and rehabilitation of the under trial accused persons needs to be considered especially when age of the accused is young so that the accused gets an opportunity / or is given an opportunity to reform, rehabilitate and earn his livelihood honorably from the perspective of

social integration. This is a chance which the Court must take considering the young age of applicant. By considering this Court is not stamping approval of any of the alleged actions of applicant regarding the crime in question. Court is also equally conscious of the offence. The applicant has just attained majority. He is young. If the applicant is incarcerated in prison further, there is every possibility that they might loose faith in the institution and society at large and there is every likelihood that they may tread the path of criminality or would waste their life. Incarceration in prison statistically shows that it exposes many youth to abuse. Hence every opportunity or to that extent risk should be constructively taken by the Court in the case of young offenders – accused before committing such accused to further custody and give such accused an opportunity to become a good citizen in the Society. These observations are only in the view of the young age of the applicant before me and it is only a means to explore an alternative to incarceration so that the applicant can become good citizen.

9. Thus, in the light of the aforesaid as well as the fact that the co-accused is released on bail, I am inclined to exercise discretion in favour of the applicant.

10. 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.

11. Resultantly, the following order is passed :-

ORDER

(I) Application is allowed.

(II) Applicant -Pankaj alias Sandip S/o Rewaram Kahar, 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. 120 of 2025 dated 07.05.2025 registered with Bhusawal City Police Station, District - Jalgaon for the offences punishable under section 115(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, section 37(1) and 135 of the Maharashtra Police Act, on the following conditions :-

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

12. 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.

13. Criminal Application No. 4780 of 2025 seeking permission to assist the APP, is allowed and disposed of.

[SACHIN S. DESHMUKH]
JUDGE

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