



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2214 OF 2025

SAMBHAJI ALIAS SAMBHYA GAUTAM PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for applicant : Mr. Ravindra V. Ghayal
APP for the respondent-State : Ms. D. S. Jape

CORAM : SACHIN S. DESHMUKH, J.

DATE : 17 DECEMBER 2025

ORDER :

1. The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 0215 of 2024 dated 09.06.2024 registered with Pachod Police Station, District – Chhatrapati Sambhajnagar for the offences punishable under section 392, 397 read with 34 of the Indian Penal Code.

2. The prosecution's case is that unknown persons robbed the informant and forcibly took articles viz. gold and silver ornaments and a mobile phone, with a total worth of Rs. 73,000.

3. The learned counsel for the applicant submits that the FIR was registered against the unknown persons and the applicant is arrested on the basis of statement of co-accused. It is further submitted that the test identification parade is not conducted. The

recovery of the alleged robbed material is already effected. The arrest of the applicant is effected on 08.08.2025. The investigation is complete and charge-sheet is filed. The bail is granted to one of the co-accused in the crime by the learned Additional Sessions Judge, Aurangabad. As such, applicant is entitled to be released on bail on the ground of parity. Hence, prayed to allow the application.

4. Learned APP has opposed the application submitting that the applicant is indulged into serious offence. If the applicant is enlarged on bail, there is every possibility of repetition of offence. As such, prayed to reject the application.

5. Upon considering the submissions of both the sides and perusing the material on record, the applicant is not named in the FIR. The arrest of the applicant is effected on the basis of statement of co-accused. Admittedly, the test identification parade is also not conducted. The recovery of the alleged robbed material is also effected.

6. Moreover, the co-accused, Milind, has already been enlarged on bail by the Additional Sessions Court, Aurangabad vide order dated 05.07.2024 in Criminal Bail Application No. 1297 of 2024. The applicant is situated on the same footing as the co-accused Milind and is thus entitled to bail on the grounds of parity.

7. Apart from the aforesaid aspect, the investigation of the case has been completed. Nothing remains to be recovered at the instance of applicant. Thus, no fruitful purpose would be served by keeping the accused behind the bar.

8. Keeping in view the peculiar facts and circumstances of the case, the applicant's right to liberty needs to be upheld by imposing stringent conditions. The learned APP's apprehension about repetition of same offence can be adequately taken care of by imposing stringent conditions. In that view of the matter, the applicant deserves to be released on bail.

9. Resultantly, the following order is passed :-

ORDER

(I) Application is **allowed**.

(II) Applicant – Sambhaji @ Sambhya Gautam Pawar be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 0215 of 2024 registered with Pachod Police Station, District – Chhatrapati Sambhajnagar for the offences punishable under section 392, 397 read with 34 of the Indian Penal Code, on the following conditions :-

(a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.

- (b) The applicant shall attend the concerned Police Station on every Saturday between 11.00 am to 1.00 pm till framing of the charge.
 - (c) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (d) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (e) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

**[SACHIN S. DESHMUKH]
JUDGE**

Omkar Joshi/