



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

BAIL APPLICATION NO. 2324 OF 2025

VIJAY RAJU JADHAV
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Ajit B. Chormal
APP for Respondent : Ms. R. R. Tandale
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 23-12-2025

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.I-633 of 2025 dated 08.06.2025, registered with Shirdi Police Station, Taluka Rahata, District Ahilyanagar, for the offences punishable under Sections 105, 309(4) read with Section 3(5) of the Bhartiya Nyaya Sanhita, 2023. In the said crime, the applicant is arrested on 08.06.2025. After completion of the investigation, the chargesheet has been filed.

2. The prosecution case is that the dead body of the deceased was found lying on the ground near Khandoba temple. The police on duty found the dead body and moved the same in the hospital. Subsequently, the deceased was declared dead. The alleged incident occurred while the deceased was sleeping on the footpath. CCTV footage was verified. A spot panchnama was drawn. It is seen in the CCTV footage that the deceased was sleeping on the road, at the relevant time, two persons came and

they removed wallet/pocket from the deceased and while they were fleeing away the deceased woke up and chased them. It is also seen in the CCTV footage that the deceased was seen fighting with another person, who assaulted the deceased on face, thereby the deceased fell down and sustained injury on his backside. Hence, the report is filed.

3. Learned counsel for the applicant submits that the applicant has not committed any offence as alleged by the complainant in his report. The applicant has been falsely roped in the present crime. There is delay in filing the said complaint. The incident happened on 07.06.2025 and first information report is lodged on 08.06.2025. No specific overt act has been attributed to the accused. Nothing is to be recovered from the applicant. The investigation is complete and further custodial interrogation of the applicant is unjustified. Hence, prayed for release of the applicant.

4. Learned A.P.P. has opposed the application and submitted that the offence is serious. The death is caused while committing robbery. Injuries were found on the person of the deceased. The learned A.P.P. has invited attention to the transcript of the CCTV footage indicating the presence of the applicant on the spot at the relevant time.

It is submitted that there is incriminating material against the applicant in the form of CCTV footages of the spot of the

incident wherein the applicant is specifically seen while commission of the offence. As such, the same disentitle the applicant to be enlarged on bail.

5. Having considered the submissions from both the sides and upon perusal of the record, including the chargesheet, indicates that the deceased was attacked by some unknown persons, while the present applicant is arraigned as accused on the basis of CCTV footage obtained by the investigating agency. Apart from the said CCTV footage, there is no cogent and direct evidence against the present applicant. Furthermore, the veracity and the reliability of the said CCTV footage can be well appreciated during the trial, and the same cannot be made sole basis to withhold the liberty of the applicant. Thus, in the absence of any other incriminating material against the applicant, is entitled for bail.

6. 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 proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further detention of 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 discretion in favour of applicant.

7. Hence, the following order;

ORDER

- (i) Application is allowed.
- (ii) Applicant, Vijay Raju Jadhav, 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.I-633 of 2025 dated 08.06.2025, registered with Shirdi Police Station, Taluka Rahata, District Ahilyanagar, for the offences punishable under Sections 105, 309(4) read with Section 3(5) of the *Bhartiya Nyaya Sanhita, 2023*, on the following conditions :-
 - (a) The applicant shall not contact the informant, in any manner whatsoever, during the pendency of the trial.
 - (b) The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.
 - (c) The applicant shall not tamper with the prosecution evidence and he shall not influence the informant, witnesses and other persons concerned with the case.
 - (d) The applicant, upon being released on bail, shall place on record of the trial Court the details of their Contact Numbers and detailed residential addresses with updates in case of any changes.
 - (e) In case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.
- (iii) Needless to state that the observations rendered hereinabove are to the extent of consideration of the bail applications and trial judge may not get influenced by these observations and shall consider the case/s on the basis of evidence on record and in accordance with law.

[SACHIN S. DESHMUKH, J.]