



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2371 OF 2025

RAHUL ALIAS NARAYAN HIMMATRAO SHITOLE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Sohail Subhedar h/f Mr. P. P. Giri
APP for Respondents-State : Mr. Rajdeep D. Raut

CORAM : SACHIN S. DESHMUKH, J.

Date : 24th December, 2025

ORDER :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 22.09.2025 bearing Crime No. 838 of 2025, registered with Shevgaon Police Station, Dist. Ahilyanagar for the offences punishable under Sections 118(2), 352, 351(2), 351(3), 3(5) of B.N.S. 2023.

2. The prosecution's case is that the informant, Arun Bhanudas Garad, reported that on 22.09.2025 at approximately 6:30 p.m., while he was present in his cowshed, the applicants / accused alighted from their car. Applicant No. 2 informed the informant that a false complaint had been filed against him. Subsequently, Applicant No. 1 caught hold of the informant's hand

and brandished a revolver at his waist, while applicant No. 2 struck the informant on his back with a stick. When the informant raised an alarm, the applicants fled the scene. Accordingly, the FIR was registered.

3. The learned counsel for the applicant submits that the applicants are falsely implicated in this crime. It is the case of over-exaggeration. The applicants are ready and willing to abide by any terms and conditions that may be imposed by this Court. It is further submitted that the police seized the vehicle and weapons used in the offence. The investigation is almost completed and, therefore, further incarceration of the applicant is not warranted.

4. The learned APP vehemently opposes the application submitting that the applicants actively participated in the assault by giving fist and kick blows. The offence is serious in nature. The apprehension is expressed that the in the event, applicants are released on bail, they may threaten the informant and prosecution witnesses. Hence, prayed to reject the application.

5. Upon considering the submissions of both the sides and perusing the material on record, it indicates that the applicants /

accused were arrested on 09.10.2025 and were produced before the Court on same day. The applicants were remanded to PCR till 12.10.2025 and since then, they are in judicial custody. A perusal of the FIR prima facie indicates that a role of assault by fist and kick blows is attributed to the present applicants and corresponding injuries are simple in nature.

6. The investigation of the case is on the verge of completion. The alleged weapon and vehicle in connection with alleged crime have been already recovered by the Investigating agency. Hence, nothing remains to be recovered or discovered at the instance of the applicant.

7. Thus, no fruitful purpose would be served by keeping the applicants behind the bar and can be enlarged on bail. The apprehension expressed by the learned APP about tampering the prosecution evidence, can be adequately taken care of by imposing stringent conditions. Hence, the following order :-

ORDER

(I) Application is **allowed**.

(II) Applicants – No. 1 Rahul @ Narayan s/o Himmatrao Shitole and No. 2 Tushar s/o Digambar Toke be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) **each** with one or two

local solvent sureties in the like amount, in connection with Crime No. 838 of 2025, registered with Shevgaon Police Station, Dist. Ahilyanagar for the offences punishable under Sections 118(2), 352, 351(2), 351(3), 3(5) of B.N.S. 2023, on the following conditions :-

- (a) The applicants shall attend each and every date of the Trial Court, after filing of the charge-sheet, unless exempted by the Trial Court.
 - (b) The applicants are directed to attend the concerned Police Station and report to the Investigating Officer on every Friday and Saturday between 10.00 am to 01.00 pm, till the filing of the charge-sheet.
 - (c) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (d) The applicants shall submit their Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (e) Breach of any of the conditions by the applicants would entail the cancellation of the 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, J.)