



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

ANTICIPATORY BAIL APPLICATION NO. 2123 OF 2025

WAMAN RAMRAO SATHE

..Applicant

VERSUS

1. THE STATE OF MAHARASHTRA
Through Police Inspector,
Bidkin Police Station, Aurangabad.

2. SUPERINTENDENT OF POLICE,
Aurangabad (Rural) Dist. Aurangabad

..Respondents

WITH

CRIMINAL APPLICATION NO.4579 OF 2025

IN

ANTICIPATORY BAIL APPLICATION NO. 2123 OF 2025

YOGESH MAROTI DANE

..Applicant

VERSUS

1. THE STATE OF MAHARASHTRA
Through Police Inspector,
Bidkin Police Station, Aurangabad.

2. WAMAN RAMRAO SATHE

..Respondents

...

Advocate for Applicant in ABA : Mr. Satej S. Jadhav

APP for Respondents/State : Mr. Aftab Ahmed Khan

Advocate for Applicant in Cri.Appln. : Ms. Rashmi Kulkarni

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CORAM : MEHROZ K. PATHAN, J.

RESERVED ON : 16th DECEMBER 2025

PRONOUNCED ON : 19th DECEMBER 2025

ORDER:

1. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.639/2025 registered with Bidkin Police Station, District Aurangabad for the offences punishable under Sections 103(1), 189(2), 190, 191(2), 45, 51 of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that Tanmay Ganesh Chormare and Rutwik Ashok Dharme are the nephews of Informant namely, Yogesh Maruti Dane. Since 21.10.2025, Tanmay Ganesh Chormare was at the house of the Informant due to holidays in his college. On 20.10.2025 Rutwik Dharme displayed the banner conveying 'Diwali Wishes' in front of Chhatrapati Shivaji Maharaj Statute at Bidkin. On 22.10.2025, Rushikesh @ Chinman Jadhav displayed his banner of birthday in front of the banner of Rutwik Dharme on the say of present Applicant and one Akash Ashok Vanjare despite Bajrang Thange asking him and his associates not to do so. On 23.10.2025, in the night at 08.00 p.m. Rutwik made the Informant to listen the conversation between Bajrang Thange and Rushikesh @ Chiman Jadhav recorded in mobile. In the said recording, Bajrang Thange threatened Chiman Jadhav -

. After that, Rutwik Dharme called Rushikesh @ Chinman Jadhav on phone and asked him about it. In said conversation, there was exchange of hot words between them. At about 9.30 p.m., near the house of Rutwik Dharme, while Rutwik Dharme, Akash Gorakh Dharme, Gorakh Bhanudas

Dharme, Namdeo Dharme and Somnath Tupe were talking with each other, the Informant and his nephew Tanmay Ganesh Chormare went there. While they all were sitting, Rushikesh @ Chiman Jadhav, Rahul Thange, Santosh Thange, Pradeep Thange, Sagar Thange and 30 to 35 unknown persons came there with iron pipes/rods and wooden handles and started assaulting them. Therefore, they ran towards Sarafa Galli. At that time, Rahul Thange caught Tanmay Chormare. Rushikesh @ Chiman Jadhav, Pradeep Thange and Sagar Thange started beating Tanmay Chormare with fist and kick blows and wooden handle. Santosh Thange assaulted Tanmay on his head by iron rod with intention to kill him. Thereafter, they ran away. Blood was oozing from the ear and nose of Tanmay and therefore, the Informant and Harshad Rukhmaji Dharme took him to Varad Hospital, Bidkin and thereafter to CIIGMA Hospital, Chhatrapati Sambhaji for treatment. On 24.10.2025, at 02.00 p.m. Tanmay died at CIIGMA Hospital during treatment.

3. The learned Counsel for the Applicant Mr. Jadhav submits that the Applicant has no role to play in the present crime and is deliberately roped in to take revenge on account of previous enmity. The Applicant though named in the FIR, no overt act is attributed to the present Applicant. The Applicant is stated to have asked Rushikesh to install his birth day banner in front of the banner of one Rutwik. Even the same is hearsay, allegedly conveyed to the Informant by one Kiran Gujar. The prosecution has failed to record any statement

showing that the Applicant was in fact present either at the time of installation of the banner on 22.10.2025 or at the time of the assault, which allegedly occurred at about 9:30 p.m. on 23.10.2025. Therefore, the Applicant deserves to be released on bail. The provision of Section 51 of the BNS has been deliberately invoked only to falsely implicate the Applicant in the present crime. At the most, the instigation to Rushikesh could be to only display the banner and not to commit the murder of the deceased, Tanmay Chormare.

. It is further submitted that the Applicant has deep roots in society and has no criminal antecedents and he is ready to abide by any conditions that may be imposed by this Court at the time of releasing him on bail.

4. As against this, the learned APP as well as the learned Counsel assisting the prosecution, vehemently oppose the application on the ground that the Applicant is a history-sheeter having two earlier offences registered against him and in one of such offence, the Applicant is convicted for the offence punishable under Section 353 IPC and another offence of cheating and criminal breach of trust is registered against the Applicant in the year 2016. The Applicant is specifically named in the FIR to have instigated Rushikesh to display the banner in front of banner of Rutwik, which can be said to be the cause of the quarrel which has resulted into the murder of an innocent boy.

. It is further submitted by the learned APP Mr. Khan

that there are two statements recorded by the prosecution during the course of investigation of witnesses Somnath and Amol, wherein they have specifically stated that the assailants were instigated by the Applicant to commit the murder and that he would take care of everything thereafter. The learned APP Mr. Khan further relies upon the statement of Kiran, who reiterates that the Applicant, Waman Sathe, is a friend of the co-accused Rahul and Rushikesh, and that all of them regularly sit together in the hair-cutting salon of Akash. It is alleged that they were the masterminds behind the entire episode in the village. Kiran has further stated that the birthday-wish banner of Rushikesh was displayed in front of the Diwali-wish banner of Rutwik at the provocation of the present Applicant, Waman Sathe, and Ashok. Thus the learned APP as well as the learned assisting Counsel prays for rejection of the application of the present Applicant, as the custodial interrogation of the Applicant would be necessary to complete the investigation in the present crime from all angles including the angle of conspiracy.

5. The learned Counsel Ms. Kulkarni for assisting the prosecution further relies upon the Facebook posts of the present Applicant, Waman Sathe, posted on the date of incident which allegedly indicates his involvement. She further relies upon the Facebook posts of Siddharth Sathe, the real brother of the Applicant, who has posted the same content on his Facebook account, which, according to the prosecution,

demonstrates the involvement of the Applicant and his family members in the murder of Tanmay. It is alleged that they were the masterminds behind the entire episode of erecting and displaying the banner in front of the banner of Rutwik and thereafter creating the dispute that ultimately led to the murder of Tanmay Chormare. She further submits that the Applicant is a criminal history-sheeter and if released on bail, can again commit offences of like nature and thereby cause threat to the law and order in the village and may also threaten the prosecution witnesses and prejudice the trial against the accused persons involved in murder of Tanmay Chormare. She therefore submits that this is not a fit case for grant of anticipatory bail.

6. I have gone through the investigation papers and have also gone through the allegations in the FIR. The allegations in the FIR restricts the involvement of the Applicant only in the incident dated 22.10.2025, wherein the birthday wishes banner of Rushikesh was displayed in front of the Diwali-wishes banner of Rutwik. It is stated by the complainant that the banner was installed by Rushikesh @ Chiman Jadhav solely at the instance of the present Applicant, Waman Sathe, and one Akash, as allegedly informed to him by another witness, Kiran. Apart from the above-mentioned role, there is no other allegation against the Applicant, neither of his presence on 22.10.2025 at the time of installation or display of the banner of Rushikesh, nor of his presence at the time of the assault

carried out by accused Rushikesh, Rahul, and others, which ultimately led to the murder of the deceased on 23.10.2025 at about 9:30 p.m.

7. I have also gone through the statements relied upon by the prosecution particularly the statements of Somnath, Amol, Kiran, Ashok and Akash. The perusal of the statements of the aforesaid witnesses does not show any involvement of the present Applicant in the commission of the murder. The statements only indicate that the banner was installed by accused Rushikesh on 22.10.2025 at the instance of the present Applicant, which was prior to the commission of the murder of Tanmay. Although the statements of Somnath and Amol attempt to implicate the Applicant in the commission of murder, they do not inspire confidence, particularly as they were recorded on 20.11.2025 i.e. almost after one month of the incident. These observations are, however, prima facie in nature and are made solely for the purpose of deciding the present application, and shall not influence the trial Court. There is no other evidence recorded by the prosecution to implicate the Applicant in the commission of the said offence like CDRs of Applicant with any of the accused who had actually committed murder of deceased. The social-media posts of the Applicant and his brother cannot be linked to the commission or abetment of the murder, as the said posts, by itself, do not establish the Applicant's involvement.

. Insofar as the criminal antecedents of the Applicant are concerned, the offence under Section 353 IPC registered against Applicant, has resulted in the conviction of the present Applicant. The said offence was registered in the year 2005 against the Applicant and the next offence of criminal breach of trust is registered against the Applicant in the year 2016. It is almost a settled law that the criminal antecedents by itself would not preclude the Court from considering the involvement of the accused and the evidence collected by the prosecution to implicate the accused in the concerned crime. As stated above, there is no other evidence collected by the prosecution which would show the direct involvement of the present Applicant at this stage. Hence I am inclined to grant protection as the custodial interrogation of the Applicant may not be necessary. The apprehension of the learned APP as well as the appointed Counsel for assisting prosecution can be taken care of by imposing stringent conditions on the Applicant. Hence the following order :

ORDER

(i) In the event of arrest of the Applicant - Waman Ramrao Sathe in connection with Crime No.639/2025 registered with Bidkin Police Station, District Aurangabad for the offences punishable under Sections 103(1), 189(2), 190, 191(2), 45, 51 of the Bharatiya Nyaya Sanhita, 2023, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties in the like amount, on the following conditions :

- (a) The Applicant shall not enter Village Bidkin until the framing of charge, except for attendance at the police station.
 - (b) The Applicant shall attend Bidkin Police Station, District Aurangabad on Monday, Tuesday and Wednesday of every week between 11:00 am. to 01:00 pm., till framing of the charge by trial Court.
 - (c) The Applicant shall not tamper with the prosecution evidence and shall not influence the witnesses.
 - (d) The Applicant shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.
 - (e) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail.
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- (ii) The anticipatory bail application is allowed in the above terms and stands disposed of.
 - (iii) The application for assisting the prosecution is also disposed of.

MEHROZ K. PATHAN
JUDGE